



**AGENDA  
PLANNING & ZONING COMMISSION  
TUESDAY, NOVEMBER 8, 2016**

The Planning and Zoning Commission will convene into a Joint Work Session with City Council at 6:00 p.m. **(time listed is approximate)** in the City Hall Conference Room at the Municipal Center, 4000 Main Street, Rowlett, at which time the following items will be considered:

- i. Call to Order.
- ii. Joint Work Session with City Council and Planning and Zoning Commission.
- iii. Discuss items on regular agenda.
- iv. Adjourn.

The Planning and Zoning Commission will convene into a Regular Meeting at 7:00 p.m. in the City Hall Chambers at the Municipal Center, 4000 Main Street, Rowlett, at which time the following items will be considered:

**A. CALL TO ORDER**

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1. Update Report from Staff.

**B. CONSENT AGENDA**

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1. Minutes of the Planning and Zoning Commission Meeting of October 25, 2016.
2. Consider and take action on a Preliminary Plat for the Waterspring Townhomes Addition located at 10206 Liberty Grove Road further described as being 3.149 +/- acres in the Harrison Blevins Survey, Abstract No. 94 and the Hanse Hamilton Survey, Abstract No. 858, City of Rowlett, Dallas County, Texas.

**C. ITEMS FOR INDIVIDUAL CONSIDERATION**

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1. Conduct a public hearing and make a recommendation on a request for a Special Use Permit to allow a restaurant with a drive-through at 8201 Lakeview Parkway further described as being Lot 3R, Block A, of the Amesbury Addition, City of Rowlett, Dallas County, Texas.
2. Conduct a public hearing and make a recommendation on a request for a rezoning from a Form-Based Commercial Center Zoning District to a Planned Development (PD) with underlying Single Family-5 (SF-5) base zoning district. The subject property is located at 7400 and 7600 Liberty Grove

Road further described as 58.83 +/- acre tract of land situated in the Jessie S. Starkey Survey, Abstract No. 1333, in the City of Rowlett, Dallas County, Texas.

3. Consider and take action on a Preliminary Replat for the Heritage Church Addition located at 7900 Miller Road further described as being 4.422 +/- acres in the Charles Merrill Survey, Abstract No. 957, City of Rowlett, Dallas County, Texas.
4. Consider and make a recommendation regarding a revised tree mitigation plan and related tree removal permit application for Manors on Miller. The subject property is located North of Miller road and West of Dorchester further described as 8.437 +/- acres of land located in the S.A. & M.G. RR Survey, Abstract No.1407, City of Rowlett, Dallas County, Texas.

#### **D. ADJOURNMENT**

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NOTE: THE PLANNING AND ZONING COMMISSION MAY RETIRE AND CONVENE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

NOTE: THE CITY OF ROWLETT MEETING ROOMS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR FURTHER INFORMATION.



Garrett Langford, Principal Planner

**MINUTES OF THE WORK SESSION AND REGULAR MEETING  
OF THE PLANNING & ZONING COMMISSION  
OF THE CITY OF ROWLETT, TEXAS, HELD IN THE CITY COUNCIL CHAMBERS  
4000 MAIN STREET, AT 6:00 P.M., OCTOBER 25, 2016**

**WORK SESSION**

**PRESENT:** Chairman Michael Lucas, Vice Chairman James Moseley, Commissioners Chris Kilgore, Lisa Estevez, Stephen Ritchey, Alternates Kevin Moore, Kim Clark

**ABSENT:** Commissioners Thomas Finney, Jonas Tune

**STAFF PRESENT:** Director of Development Services Marc Kurbansade, Principal Planner Garrett Langford, Urban Design Manager Daniel Acevedo, Senior Planner Patricia Roberts, Planner I Katy Goodrich

**i. Call to Order**

Chairman Michael Lucas called the Work Session to order at 6:00 p.m.

**ii. Discuss proposed changes to subdivision regulations in the Unified Development Code pertaining to platting regulations and subdivision control regulations.**

Director of Development Services Marc Kurbansade discussed moving the final plat process to after the installation of public improvements. He stated that the process already occurs this way in Form Based Code Developments. Water and fire lanes must be installed before the process can be considered substantially completed, which would allow the final plat process to begin. He also stated that a preliminary plat will be good for two years once it is approved and filed and if no development occurs for two years, a new preliminary plat will be required. He also discussed the conveyance plat process being added to the Rowlett Development Code (RDC) and also to allow the building permit to be issued with the approval of the development, civil, and preliminary plat plans. He also went through some items that will be removed and added to the subdivision requirements in the RDC.

**iii. Discuss items on the regular agenda.**

There was a brief discussion regarding receipt of the planning resource links to various websites as discussed at the meeting on October 11, 2016. No items from the Regular agenda were discussed.

**iv. Adjourn**

Chairman Michael Lucas adjourned the Work Session at 6:21 p.m.

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**REGULAR MEETING**

**PRESENT:** Chairman Michael Lucas, Vice Chairman James Moseley, Commissioners Chris Kilgore, Lisa Estevez, Stephen Ritchey, Alternates Kevin Moore, Kim Clark

**ABSENT:** Commissioners Thomas Finney, Jonas Tune

**STAFF PRESENT:** Principal Planner Garrett Langford, Urban Design Manager Daniel Acevedo, Senior Planner Patricia Roberts, Planner I Katy Goodrich

**A. CALL TO ORDER**

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Chairman Michael Lucas called the Regular Meeting to order at 6:30 p.m.

**1. Update Report from Staff.**

Garrett Langford, Principal Planner, reminded the Commissioners that there is a joint session with City Council on November 8, 2016 and that the open meetings training video must be completed no later than November 4, 2016. Mr. Langford also introduced Ty Thompson, Assistant City Engineer, and stated that he could answer any engineering related questions if needed.

**B. CONSENT AGENDA**

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- 1. Consider action to approve the minutes of the Planning and Zoning Commission meeting on October 11, 2016.**
- 2. Consider and take action on a Preliminary Plat request for Bayside, located in the southeast quadrant of the City bounded to the north by Chiesa Road and to the southwest by IH 30, further described as a 91.483 +/- acre tract of land situated in the Charles D. Merrill Survey, Abstract No. 957, and the William Crabtree Survey, Abstract No. 346, City of Rowlett, Dallas County, Texas.**

Vice Chairman James Moseley made a motion to approve the Consent Agenda. Commissioner Lisa Estevez seconded the motion. The motion passed with a 7-0 vote.

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**C. ITEMS FOR INDIVIDUAL CONSIDERATION**

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- 1. Conduct a public hearing and make a recommendation on a request for a Special Use Permit to allow an accessory building (residential greenhouse). The subject property is located at 5605 Edgewater Circle further described as being Lot 10, Block A of the Wimbledon on the Lakes Subdivision, City of Rowlett, Dallas County, Texas.**

Senior Planner Patricia Roberts stated the location of the request and showed a location map of the property. She stated that the request was for a 250 square foot greenhouse and discussed the location on the property. She explained that this type of building requires a Special Use Permit (SUP) in Single Family Zoning districts. She discussed the dimensions and showed site photos. She stated that one public hearing notice was returned in favor of the request while none were received in opposition. Staff recommended approval.

Chairman Michael Lucas opened the public hearing at 6:36 p.m.

No speakers came forward.

Chairman Michael Lucas closed the public hearing at 6:37 pm.

Commissioner Chris Kilgore made a motion to recommend approval the request. Alternate Kim Clark seconded the motion. The motion passed with a 7-0 vote.

- 2. Conduct a public hearing and make a recommendation on a request for a Special Use Permit (SUP) for a Commercial Office Center use in the Planned Development District 007-07, which retains an underlying zoning of Limited Commercial/Retail (C-1) in the location of the requested Commercial Office Center. The subject property is located at 8409 Chiesa Road further described as being 4.4534 acres in the Zach Motley, Abstract #1010, PG 435, City of Rowlett, Dallas County, Texas.**

Katy Goodrich, Planner I, stated the request for an SUP to allow a commercial office complex in the Planned Development District 007-07 with an underlying zoning of C-1. She stated the location was 8409 Chiesa Road. She stated that the property is 4.45 acres and is undeveloped and was rezoned to the PD in 2007. At the time of rezoning there was no commercial development proposed. She stated that there will be four, 4,500 square foot buildings that are one story each and 26 feet in height. She stated that there are two proposed access drives and a 15' landscape buffer required at the rear of the property. The concept plan meets all standards of the RDC but still requires development plan approval.

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She stated that any C-1 use is allowed by right and the only reason this case is being presented to the Planning and Zoning Commission and City Council is because it is a multi-tenant office complex. She stated that staff received seven public hearing responses in opposition. She discussed the average cars per hour at peak hour through studies that were done by the Institute of Transportation Engineers and stated that, on average, 27 cars will come in and out of the site at peak hour. This does not require a Traffic Impact Analysis (TIA). She stated that although there will be an increase in traffic, it will not be a significant amount. She then discussed criteria for approval and stated that staff is recommending approval.

Alternate Kim Clark voiced concerns about traffic and whether a traffic study should be completed.

Vice Chairman James Moseley asked what kinds of developments could occur at this site by right. He asked if a gas station could be developed here.

Ms. Goodrich stated that a gas station could not be developed at this site, but a medical office, restaurant, or bank would be allowed at this site through C-1 zoning.

Chairman Michael Lucas opened the public hearing at 6:45 p.m.

The following speakers came forward:

**Robert and Suzanne Fuentes**  
**81007 Lake Valley Court**  
**Rowlett, TX 75089**

Suzanne and Robert Fuentes stated concerns about traffic, privacy, and safety. They were also concerned about the location of the dumpster on the commercial property.

**Stephanie Henning**  
**8005 Horseshoe Bay**  
**Rowlett, TX 75089**

Ms. Henning stated concerns about who would maintain the landscaping against the masonry wall and what would happen if the landscaping began affecting the masonry well. She also stated concerns about lighting and the average growth of trees in the landscaping area.

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**Randall Appling  
8106 Lake Valley Court  
Rowlett, TX 75089**

Mr. Appling stated his concerns about traffic coming from the development.

**Richard Blythe  
8207 Lake Valley Court  
Rowlett, TX 75089**

Mr. Blythe stated concerns about privacy and safety.

**Daryl Barber  
8203 Lake Valley Court  
Rowlett, TX 75089**

Mr. Barber stated concerns about traffic, noise, and privacy. He also was concerned about the potential negative impact to homes in the area.

No additional speakers came forward.

Chairman Michael Lucas closed the public hearing.

Alternate Kim Clark stated concerns about traffic due to the congestion that is currently on Liberty Grove Road and Chiesa Road. He stated that he would be opposed to the development.

Commissioner Chris Kilgore stated that the traffic issue is a common concern with new development. He stated that this property has always been zoned commercial and that the owner has the right to develop. He believes that this development will be low intensity and the landscape buffer is required to mitigate the issues that were brought up by citizens. He also stated that there is an ordinance in the Rowlett Development Code (RDC) that restricts lighting on properties.

Alternate Kim Clark stated that he wanted to clarify his comments and had concerns with multi-tenant versus single tenant.

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Vice Chairman James Moseley addressed the concerns regarding the masonry wall and stated that he would be supporting the proposal.

Commissioner Chris Kilgore stated that the owner of the commercial property will handle any issues that occur on his property and/or interfere with the neighboring properties.

Commissioner Lisa Estevez made a motion to recommend approval the request. Vice Chairman James Moseley seconded the motion. The motion passed with a 6-1 vote. Alternate Kim Clark voted in opposition.

- 3. Conduct a public hearing and make a recommendation to City Council on a request for a Major Warrant pertaining to landscaping requirements for tree caliper inches for the Homestead at Liberty Grove located at the northern terminus of Chiesa Road, north of Liberty Grove Road, further described as being 35.315 +/- acres out of the James M. Hamilton Survey, Abstract No. 544, City of Rowlett, Dallas County, Texas.**

Urban Design Manager Daniel Acevedo introduces the request for a major warrant for Homestead at Liberty Grove. He describes what a major warrant is and then goes into the request. He stated that 54 street trees do not meet the minimum size requirement of 3". He shows site photos of the undersized trees and trees that are 3-4" in diameter. He stated that, when staff went out to review the trees, they noticed the trees did not meet the size requirements. He stated that the developer said that the planting cycles made it very difficult to find 3" trees at the amount needed. It is expected that the undersized trees will be regular sized within a year because average growth is half an inch to an inch. The average caliper inch of trees in the development is 2.68". The developer is adding trees in public areas as well as a surplus of street trees to make up for the lack of required inches. Mr. Acevedo stated that this should not negatively impact the development or Form Based Code Developments in the future. Public hearing notices were sent, but none were received. Mr. Acevedo stated that, although he did not receive any in the mail, he spoke to several people on the phone.

Vice Chairman James Moseley asked if the developer knew before the inspection that there were undersized trees and did not mention it to staff. Mr. Acevedo stated that developer knew and did not mention it.

Alternate Kevin Moore asked what would happen if the trees are under 3" in a year or in the future and if the Homeowner's Association (HOA) would have to deal with that if that occurred.

Chairman Michael Lucas opened the public hearing at 7:14 p.m.

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The following speakers came forward:

**Will Gietema  
8142 Garland Road  
Dallas, TX 75218  
Developer**

Mr. Gietema stated that the cause for the under developed trees was the recession. He said that trees were not in high demand so there were fewer planted. When development picked back up, the tree farmers could not grow enough trees to meet the demand. Mr. Gietema stated that when searching for trees, they found 3" trees that met the inch requirement but were not straight or of good quality so he chose smaller trees that would grow correctly.

No additional speakers came forward.

Chairman Michael Lucas closed the public hearing at 7:17 p.m.

Commissioner Chris Kilgore stated that the difference in tree inches is nominal and will cure itself and the development has a surplus of trees now.

Commissioner Chris Kilgore made a motion to recommend approval the request. Commissioner Lisa Estevez seconded the motion. The motion passed with a 7-0 vote.

**4. Consider and take action on a Development Plan for Alta Vista Nursery located at 1100 and 1200 Lakeview Parkway, further described as being a portion of Lot 1 and all of Lot 2, Block 1 of Oaktree Golf Center, City of Rowlett, Dallas County, Texas.**

Principal Planner Garrett Langford stated the address of the project and the request of an alternate development plan due to the size of the property being greater than 25,000 square feet. The Planning and Zoning Commission already approved the development plan for a greenhouse and existing office building. He showed the site plan in the floodway and stated that flood zone was more than 50% of the property. He then showed the landscape, façade, and photometric plans. He said that staff recommends approval.

Vice Chairman James Moseley stated that this type of development is great for an area in a flood plain and will be in support.

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Commissioner Chris Kilgore made a motion to recommend approval the request. Vice Chairman James Moseley seconded the motion. The motion passed with a 7-0 vote.

- 5. Consider and make a recommendation on a request to allow an alternative building material for Beverage Depot located at 5100 Lakeview Parkway, further described as being 2.58+/- acres of land located in the Thomas Lumley Survey, Abstract No. 789, City of Rowlett, Dallas County, Texas.**

Principal Planner Garrett Langford presented this case. He stated that this is a request for an Alternate Building Material for Beverage Depot. The property is zoned C-2 and is approximately 2.5 acres. It is a retail business that will sell alcohol. The preliminary plat has been approved. This request is to allow metal insulated panels. Mr. Langford shows the submitted façade and site plan, which have not been approved. He described the material and said that the developer would like to use this material because it provides good insulation, which is useful because of the coolers inside the building. Mr. Langford stated that the bottom half of the building will be brick and that the longevity of this requested material cannot be verified. It only has a ten-year warranty. Staff is recommending denial.

Commissioner Chris Kilgore stated that he has a concern with the life expectancy and asked what the life expectancy of allowed  $\frac{3}{4}$ " stucco is.

Mr. Langford stated that it depends on the craftsmanship, but the Building Official stated that it can last for decades. He stated that he also checked with other cities in the area to see if they had recently approved the material. Evidently, the City of McKinney allowed the material on a side that was not a main road. According to additional research, the City of Irving has allowed it in areas that are commercial/industrial in use.

Chairman Michael Lucas stated that he was inclined to deny this request and is wary of materials that have not been used a lot in the area.

Commissioner Chris Kilgore stated that he is not very fond of stucco.

Vice Chairman James Moseley made a motion to recommend denial. Alternate Kim Clark seconded the motion. The motion passed with a 5-2 vote. Commissioners Chris Kilgore and Lisa Estevez voted in opposition.

- 6. Consider and take action on a revised Development Plan Lone Star Storage located at 2817 Main Street, further described as being Lot 2, Block A, Four Square Addition, City of Rowlett, Dallas County, Texas.**

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Senior Planner Patricia Roberts stated that this is a request from Lone Star Storage for a revised landscape plan. The applicant would like to use a living screen instead of a masonry wall. She described what type of landscaping would be included and stated that an iron fence will be used as well. Staff recommends approval.

Vice Chairman James Moseley stated that he would like to see what the berm looks like.

Commissioner Chris Kilgore stated that he is in favor of a living screen over a masonry wall and Chairman Michael Lucas agreed.

Commissioner Chris Kilgore made a motion to recommend approval. Alternate Kim Clark seconded the motion. The motion passed 7-0.

**7. Consider and make a recommendation on a request to allow an alternative building material for Lone Star Storage located at 2817 Main Street, further described as being Lot 2, Block A, Four Square Addition, City of Rowlett, Dallas County, Texas.**

Senior Planner Patricia Roberts stated that this is a request for Lone Star Storage to allow an alternate building material on the columns. She stated that the applicant would like an alternate material because adding the stone to the columns is dangerous for people driving RVs. It does not allow as much maneuvering room. The steel columns will be visible from the street because it is 12' at its point. She then showed the approved façade plan. Staff recommends denial.

Vice Chairman James Moseley asked if the posts could be seen even with the landscape screening wall.

Chairman Michael Lucas stated that visibility is low due to the use of the property.

Alternate Kim Clark asked why it would be safer to have steel versus concrete.

Commissioner Chris Kilgore stated that there is not much to see and that the neighborhood should be considered because it is very commercial in nature. He stated that the stone could make the maneuvering dangerous because they are more likely to hit the masonry instead of a steel post. He stated that he is in favor.

Vice Chairman James Moseley stated that he agrees with Commissioner Chris Kilgore.

Chairman Michael Lucas states that he is in favor because the situation is different and the context is different for the area.

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Alternate Kevin Moore asked if the steel wrapped in masonry would protect the structure more than just using steel.

Commissioner Lisa Estevez asked if the masonry would be circle or square around the steel.

Alternate Kevin Moore stated that it is usually square.

Alternate Kim Clark stated that it would be easier to maneuver around a steel pole.

Commissioner Chris Kilgore stated that masonry does not make a difference because hopefully the steel will be designed well.

Mr. Langford stated that the structure will require a structural engineer.

Vice Chairman James Moseley made a motion to recommend approval. Commissioner Chris Kilgore seconded the motion. The motion passed with a 5-2 vote. Commissioner Lisa Estevez and Alternate Kevin Moore voted in opposition.

**D. ADJOURNMENT**

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Chairman Michael Lucas adjourned the meeting at 8:05 p.m.

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Chairman

\_\_\_\_\_  
Secretary



## City of Rowlett

### Staff Report

Planning & Zoning Commission

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 11/8/2016

**AGENDA ITEM:** B2

**AGENDA LOCATION:**

Consent Agenda

**TITLE**

Consider and take action on a Preliminary Plat for the Waterspring Townhomes Addition located at 10206 Liberty Grove Road further described as being 3.149 +/- acres in the Harrison Blevins Survey, Abstract No. 94 and the Hanse Hamilton Survey, Abstract No. 858, City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

Katy Goodrich, MPA, Planner I

**SUMMARY**

The Preliminary Plat is one of the first steps in the development process and provides an overview of the utility and lot layout for the site in its entirety. This Preliminary Plat proposes twelve lots (Attachment 1 – Preliminary Plat) for a future townhome development (Waterspring Townhomes).

**BACKGROUND INFORMATION**

The subject property consists of 3.149 +/- acres and is located approximately 190 feet northeast of the Dalrock Road and Liberty Grove Road intersection (Attachment 2 – Location Map). The subject property is zoned Planned Development (PD) and regulated by Ordinance 009-2016 approved by City Council on February 16, 2016. This zoning designation allows for the proposed townhome development. The Preliminary Plat is the first step in the development process. Subsequently, the applicant will be required to obtain approval of the development plans (site, landscape, tree survey and façade plans), civil engineering plans, a final plat, and building plans prior to receiving a building permit. The development plan and the final plat will also be brought before the Planning and Zoning Commission.

**DISCUSSION**

This preliminary plat lays out a subdivision for twelve townhomes. This plat dictates a new street that will align with Bent Tree Drive, which is across Liberty Grove Road to the north. This plat also shows that there will be approximately 1.45 acres of common space that will be maintained by the HOA.

Section 77-806.C.2(d)(1) of the Rowlett Development Code (RDC) states,

“Approval of a preliminary plat shall be deemed an expression of approval of the layouts submitted on the preliminary plat as a guide for the future installation of streets, water, sewer, and other required improvements and utilities and as a guide to the preparation of

the final plat. Except as provided for in this section, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted as provided in this section have been met.”

It is important to note that Section 77-806.C.2(d)(2) of the RDC additionally states,

“No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat by the planning and zoning commission and the construction plans by the director of public works and/or director of utilities. The subdivider, at its sole and exclusive risk, may undertake certain ground excavations for grading and drainage purposes, install underground utilities, and install drainage, if the proper permits and approvals for such works are issued by the director of public works.”

Section 77-806.C.6 of the RDC further states,

“The Planning and Zoning Commission may approve a preliminary or final plat only if it finds that the plat:

- (a) Conforms to Chapter 77-600, Subdivision and land development, and any regulations adopted pursuant to that chapter;
- (b) Promotes the public health, safety and welfare;
- (c) Provides for the proper arrangement of streets in relation to existing or proposed streets;
- (d) Provides for the efficient movement of vehicular and pedestrian traffic;
- (e) Ensures adequate and properly placed utilities;
- (f) Provides access for firefighting apparatus as determined by the fire marshal;
- (g) Provides light and air and avoids congestion;
- (h) Facilitates the orderly and efficient layout and use of the land; and
- (i) Furthers the goals and policies of the comprehensive plan and the city council.”

City Staff from the Planning and Engineering Divisions as well as the Fire Marshal’s Office have reviewed the Preliminary Plat for compliance with the Rowlett Development Code and Planned Development 009-2016. Based on the fact that this request meets the requirements set forth in the Rowlett Development Code, Staff recommends approval of this request.

#### **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

#### **RECOMMENDED ACTION**

Staff recommends approval.

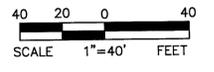
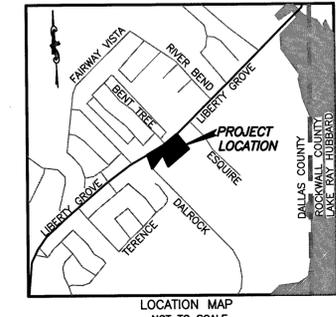
#### **ATTACHMENTS**

Attachment 1 – Proposed Preliminary Plat

Attachment 2 – Location Map

**LEGEND**

	Existing Right-of-way Line
	Proposed Right-of-way Line
	Subdivision Boundary Line
	Existing Right-of-Way Dedication
	Existing Easement
	Existing & Proposed Centerline of Street
	Abstract Survey Line
	City Limits Line
	Iron Rod Found with Cap Stamped "5596"
	Official Public Records, Dallas County, Texas
	Deed Records, Dallas County, Texas
	Building Setback
	Easement
	Instrument Number
	Right-of-Way
	Volume, Page
	Sanitary Sewer
	Manhole
	Water
	Square Foot, Acres



**OWNER'S CERTIFICATE**

STATE OF TEXAS }  
 COUNTY OF DALLAS }  
 WHEREAS Zi Shun Wang, Angela Li and Min Zhao are the owners of a tract of land conveyed by deed as recorded in Instrument No. 200900169017, Official Public Records, Dallas County, Texas, (O.P.R.D.C.T.) and being situated in the Harrison Blevins Survey, Abstract No. 94 and the Harrison Masters Survey, Abstract No. 858, City of Rowlett, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a railroad spike located at the most westerly corner of a right-of-way dedication for Liberty Grove Road (a variable width right-of-way) by Sands Estates, an addition to the City of Rowlett, as recorded thereof under Volume 68208, Page 1973, Deed Records, Dallas County, Texas (D.R.D.C.T.), said corner being the most northerly corner of a tract of land conveyed by deed to Earl and Judy Burnett, as recorded under Volume 93234, page 650 (D.R.D.C.T.), said corner being in the southeast line of said Liberty Grove Road;

THENCE South 48 degrees 05 minutes 55 seconds West, along the common line between said Earl and Judy Burnett tract and the southeast line of said Liberty Grove Road, a distance of 123.27 feet to the POINT OF BEGINNING, said corner being the most northerly corner of said Zi Shun et al tract;

THENCE South 47 degrees 30 minutes 45 seconds East, departing the southeast line of said Liberty Grove Road, along the common line between said Zi Shun et al tract and said Earl and Judy tract, a distance of 200.15 feet to a 1/2-inch iron rod with cap stamped "5596" found for the most eastern corner of said Zi Shun et al tract, said corner being the most northern corner of a tract of land conveyed by deed to Anthony and Kathryn Cox under instrument No. 201600091384 (O.P.R.D.C.T.);

THENCE South 43 degrees 06 minutes 48 seconds West, along the common line between said Zi Shun et al tract and said Anthony and Kathryn Cox tract, a distance of 424.35 feet to a 5/8-inch iron rod found for the most southern corner of said Zi Shun et al tract, said corner being the southeast corner of a tract of land conveyed by deed to Jeffrey Michael Hyre under instrument No. 201200065150 (O.P.R.D.C.T.);

THENCE North 30 degrees 09 minutes 20 seconds West, departing the northwest line of said Anthony and Kathryn Cox tract, along the common line between said Zi Shun et al tract and said Jeffrey Michael Hyre tract, passing at a distance of 70.50 feet a common corner between said Jeffrey Michael Hyre tract and a tract of land conveyed by deed to Chloe Enterprises, INC. under instrument No. 200600460989 (O.P.R.D.C.T.), and continuing a total distance of 209.45 feet to a 1/2-inch iron rod with cap stamped "5596" found for a corner, said corner being the most northern corner of said Chloe tract;

THENCE South 43 degrees 12 minutes 15 seconds West, along the common line between said Zi Shun et al tract and said Chloe tract, a distance of 208.70 feet to a 1/2-inch iron rod with cap stamped "5596" found for the most western corner of said Zi Shun et al tract, said corner being in the easterly line of Dalrock Road (a variable width right-of-way);

THENCE North 17 degrees 04 minutes 45 seconds West, along the common line between said Zi Shun et al tract and said Dalrock Road, a distance of 138.50 feet to a 1/2-inch iron rod with cap stamped "5596" found for the intersection between the easterly line of said Dalrock Road and the southeast line of said Liberty Grove Road, said corner being the northwest corner of said Zi Shun et al tract;

THENCE along the common line between said Liberty Grove Road and said Zi Shun et al tract for the following three (3) calls:

LINE	BEARING	DISTANCE
L1	N77°10'47"W	21.19'
L2	N11°44'13"E	21.63'
L3	N43°06'48"E	17.00'
L4	S46°53'12"E	1.00'
L5	N46°53'12"W	31.00'
L6	N46°53'12"W	31.00'
L7	N46°53'12"W	26.00'
L8	N43°06'48"E	17.00'
L9	S46°53'12"E	30.00'

THENCE North 56 degrees 49 minutes 35 seconds East, a distance of 168.98 feet to a 1/2-inch iron rod with cap stamped "5596" found for a corner;

THENCE North 57 degrees 45 minutes 15 seconds East, a distance of 160.48 feet to a 1/2-inch iron rod with cap stamped "5596" found for a corner;

THENCE North 55 degrees 35 minutes 15 seconds East, a distance of 186.70 feet to the POINT OF BEGINNING, containing 112407 square feet or 2.581 acres of land, more or less.

**OWNERS:**  
 ZI SHUN WANG, ANGELA LI & MIN ZHAO  
 6809 HARWOOD DRIVE  
 PLANO, TEXAS 75075  
 CONTACT: ANGELA LI  
 TEL (972) 658-7292  
 EMAIL: angielee05@hotmail.com

**PRELIMINARY PLAT**  
**WATER SPRING TOWNHOMES**  
 Lots 1-12, BLOCK A  
 TRACTS 1 & 2  
 2.581 ACRES

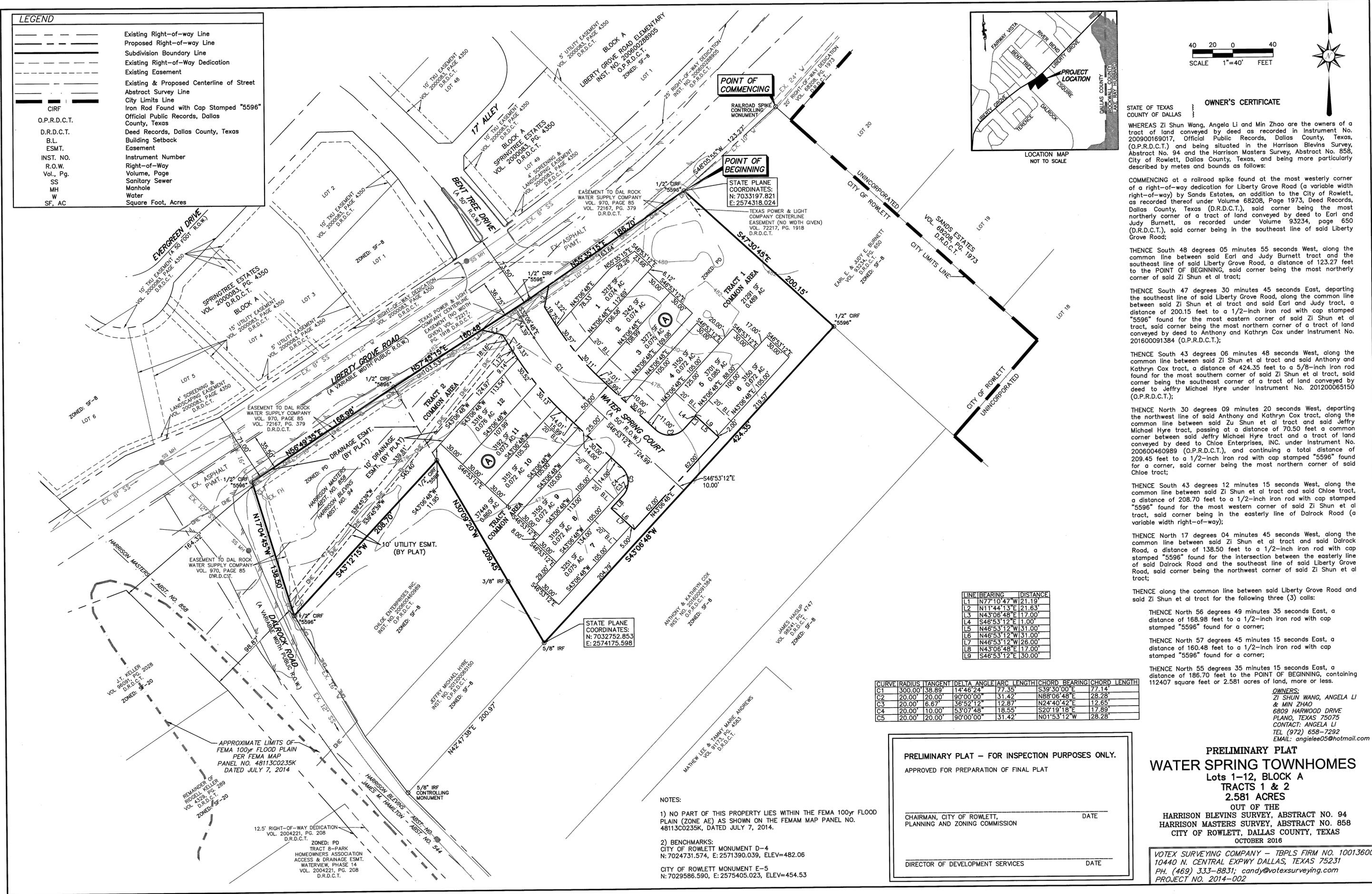
OUT OF THE  
 HARRISON BLEVINS SURVEY, ABSTRACT NO. 94  
 HARRISON MASTERS SURVEY, ABSTRACT NO. 858  
 CITY OF ROWLETT, DALLAS COUNTY, TEXAS  
 OCTOBER 2016

VOTEX SURVEYING COMPANY - TBPLS FIRM NO. 10013600  
 10440 N. CENTRAL EXPWY DALLAS, TEXAS 75231  
 PH. (469) 333-8831; candy@votexsurveying.com  
 PROJECT NO. 2014-002

PRELIMINARY PLAT - FOR INSPECTION PURPOSES ONLY.  
 APPROVED FOR PREPARATION OF FINAL PLAT

CHAIRMAN, CITY OF ROWLETT, PLANNING AND ZONING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_  
 DIRECTOR OF DEVELOPMENT SERVICES \_\_\_\_\_ DATE \_\_\_\_\_

- NOTES:
- NO PART OF THIS PROPERTY LIES WITHIN THE FEMA 100yr FLOOD PLAIN (ZONE AE) AS SHOWN ON THE FEMAM MAP PANEL NO. 48113C0235K, DATED JULY 7, 2014.
  - BENCHMARKS:  
 CITY OF ROWLETT MONUMENT D-4  
 N: 7024731.574, E: 2571390.039, ELEV=482.06  
 CITY OF ROWLETT MONUMENT E-5  
 N: 7029586.590, E: 2575405.023, ELEV=454.53







## City of Rowlett

### Staff Report

Planning & Zoning Commission

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 11/08/2016

**AGENDA ITEM:** C1

#### **AGENDA LOCATION:**

**Individual Consideration**

#### **TITLE**

Conduct a public hearing and make a recommendation on a request for a Special Use Permit to allow a restaurant with a drive-through at 8201 Lakeview Parkway further described as being Lot 3R, Block A, of the Amesbury Addition, City of Rowlett, Dallas County, Texas. (SUP168-2016)

#### **STAFF REPRESENTATIVE**

Katy Goodrich, MPA, Planner I

#### **SUMMARY**

The applicants are requesting a Special Use Permit (SUP) to allow a restaurant (Starbucks) with a drive-through (Attachment 1 – Statement of Intent). Per the Rowlett Development Code (RDC), a restaurant with a drive-through requires an SUP in the General Commercial/Retail (C-2) Zoning District. The main purpose of this meeting is to present the formal SUP application and the concept plan to the Planning and Zoning Commission and request their recommendation to the City Council.

#### **BACKGROUND INFORMATION**

The applicants are proposing to construct a 1,895 square-foot restaurant with a drive-through on a 0.95-acre lot (Attachment 2 – Concept Plan). The subject property is located approximately 369 feet east of Lakeview Parkway and Amesbury Lane and 883 feet west of Lakeview Parkway and Richmond Drive. (Attachment 3 – Location Map).

The consideration of the SUP will involve the proposed land use and the proposed concept plan. If the SUP is approved, then the development will be required to conform to the concept plan and any adopted stipulations. The applicant is also requesting Alternative Landscape Plan (ALP). Due to the size of the property, the RDC only requires the ALP to be considered by the Planning and Zoning Commission and not City Council. However, the Planning and Zoning Commission cannot approve the ALP until the SUP has been approved by City Council.

#### **DISCUSSION**

The approval criteria for an SUP are outlined in Section 77-206 of the RDC. The Planning and Zoning Commission should consider the request based on these approval criteria as detailed below. Staff has added additional commentary in bold italics beneath each point of consideration where applicable.

Section 77-206.D. Approval Criteria. Recommendations and decisions on Special Use Permits shall be based on consideration of the following criteria:

1. The proposed Special Use Permit is consistent with the Comprehensive Plan and other infrastructure-related plans, all applicable provisions of this Code, and applicable state and federal regulations;

***This site is in area D-2 Business Beltway area as described one of the 13 opportunity areas identified in the City's Comprehensive Plan, Realize Rowlett 2020 (Attachment 3). When the plan was initially adopted in 2011, it was understood that the City would take an active role in rezoning several of the priority opportunity areas. This was accomplished through the adoption of the Form Based Code (FBC) and subsequent rezoning of Downtown, Signature Gateway, Healthy Living, Woodside Living and The North Shore. It was determined that the remaining eight opportunity areas, including the Regional Trade Area, would be addressed as development opportunities arose.***

***The main way that the City Council has chosen to implement the vision and guiding principles outlined in the comprehensive plan has been through the adoption of the Form Based Code (FBC) and subsequent rezonings to Form Based Districts. This has been deemed the best way to implement the development regulations necessary to ensure efficient development patterns and high quality design elements in these key areas. This process involves master planning a sufficiently sized area to determine the proper location for connection points, open spaces, utilization of natural features, block structures and transitions with existing uses. This master planning process has been used in the adoptions of previous FBC districts such as the North Shore, Woodside Living, Signature Gateway, Healthy Living, and Downtown.***

***The subject property is 0.95 acre in size, and when combined with the adjacent 6.697 acre tract, there are only 7.647 acres of undeveloped contiguous land, which is far less than the 20 acre minimum needed for Form Based zoning district. The 20 acre minimum for a Form Based zoning district is sought in order to master plan a sufficiently sized area to determine the proper location for connection points, open spaces, utilization of natural features, block structures and transitions with existing uses. In this situation, there is simply not enough land to create a feasible form based development. Therefore, the subject property and adjacent property to the west is not suited for a form based code development. As a result, the staff does not advocate for a form based zoning district at this location.***

***While staff believes the subject property is not suited for a Form Based zoning district, the proposed rezoning will need to follow the guiding principles in Realize Rowlett 2020. This development proposal meets the intent of Guiding Principal 2 which is to "Grow the City's economy through a diversification of job and business opportunities" by providing another source of retail employment in the City.***

***It is Staff's opinion that a drive-through restaurant at this location is consistent with the existing surrounding uses and it meets the intent of the C-2 Zoning District.***

2. The proposed Special Use Permit is consistent with the purpose and intent of the zoning district in which it is located;

***The existing zoning is C-2, which allows for general commercial/retail uses. Per Section 77-203.B.5 of the RDC,***

***The C-2 district is intended to allow retail sales-type uses, with only a subordinate percentage of a development associated with other retail and office uses. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery. The C-2 district is intended to be applied primarily to areas of high traffic volume and along areas accessing high-volume streets.***

***Based on the intent of the C-2 zoning district, a drive-through restaurant is a compatible use in this district particularly at this location. The subject property fronts on a major high volume traffic corridor making it appropriate for the proposed drive-through restaurant.***

3. Whether the proposed Special Use Permit meets the challenge of some changing condition, trend, or fact;

***The applicants are requesting a Special Use Permit to construct a restaurant with a drive-through.***

4. Whether the proposed Special Use Permit will protect or enhance the health, safety, morals, or general welfare of the public;

***The proposal should not negatively affect the health, safety, morals or general welfare of the public. The proposed use will be located in a commercial area but will be located in front of a residential subdivision so the developer will be required to have an incompatibility buffer as well as a landscape buffer at the rear of the property.***

5. Whether the municipality and other service providers will be able to provide sufficient transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

***Adequate utilities, access roads, and drainage facilities are being provided for the subject property. This SUP will not increase any demands on utilities beyond their capacity. A Traffic Impact Analysis was completed for the proposed drive-through restaurant. The traffic impact for development will be reviewed by staff and appropriate***

**measures will be taken where needed. The City is requiring a deceleration lane and is in communication with TxDOT to review this proposal.**

**The deceleration lane will serve two primary purposes – first, it will allow traffic in the AM peak hour accessing the development to do so safely without impeding the thru traffic on Lakeview Parkway. The peak traffic volume is traveling westbound in the AM peak hour. This will minimize delay for the westbound thru traffic. Secondly, the deceleration lane will improve the access into the site since there is limited vehicle stacking distance between the ROW and the drive aisle. In other words, if there is queue of traffic attempting to exit the development, the traffic entering the site could have difficulty accessing the parking spaces along Lakeview Parkway creating a queue of traffic onto Lakeview Parkway. Therefore, the deceleration lane will allow queuing traffic entering the site to do so out of the thru lane on Lakeview Parkway.**

6. Whether the proposed Special Use Permit is consistent with or will have significant adverse impacts on other property in the vicinity of the subject tract; and

**The proposed use should not have any adverse impacts on other properties within the vicinity. The proposed use will be located in a commercial area that contains personal service and retail establishments. The proposed use will be compatible with the other uses in the overall development that are allowed by right in the C-2 Zoning District.**

**The proposed concept plan has been evaluated to ensure that the drive-through will not adversely affect the adjacent developments. The concept plan shows that the drive-through lane provides stacking for approximately eight vehicles from the service window and five vehicles from the ordering station. The drive-through lane also has an escape lane near the ordering station. In Staff's opinion, the drive-through stacking meets the minimum stacking requirements in the RDC for a drive-through restaurant and should not negatively affect the future uses within the development.**

7. The suitability of the subject property for the existing zoning and the proposed use sought by the Special Use Permit;

**The proposed restaurant with a drive-through meets the intent of the C-2 Zoning District and will be compatible with the surrounding uses.**

It is Staff's opinion that the request meets the criteria outlined in the RDC for an SUP. The proposed drive-through restaurant is not expected to have an adverse impact on adjacent properties and will be compatible with the surrounding commercial uses that are allowed by right in the C-2 Zoning District. Additionally, the proposed use's location on Lakeview Parkway, a high traffic volume corridor, and while adjacent to a single family district, Staff believes it is an appropriate location for a drive-through restaurant and meets the intent of the C-2 Zoning District.

## **Public Notice**

On October 21, 2016, a total of twenty-eight notices were mailed to property owners within 200 feet and a total of fifty-six courtesy notices were mailed to property owners within 500 feet. As of November 2, 2016, two notices were received in favor of the request while none were received in opposition. The responses are available in Attachment 4 – Returned Public Notice.

Staff published the Legal Notice in the Dallas Morning News on October 27, 2016, and placed a zoning sign on the subject property on October 27, 2016, in accordance with the Rowlett Development Code.

#### **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

#### **RECOMMENDED ACTION**

Staff recommends that the Planning and Zoning Commission make a favorable recommendation to City Council.

#### **ATTACHMENTS**

- Attachment 1 – Statement of Intent
- Attachment 2 – Concept Plan
- Attachment 3 – Location Map
- Attachment 4 – Returned Public Notices



September 29, 2016

Garrett Langford, AICP, CNU-A  
City of Rowlett - Planning Department  
3901 Main Street  
Rowlett, Texas 75088

**Re: Exhibit C – Statement of Intent and Purpose  
Starbucks Lakeview Parkway SUP Submittal  
Lot 3R, Block A – Amesbury Addition Phase II**

Dear Mr. Langford:

The proposed 1,895 square food and beverage service facility will be sited on a 0.95 acre lot located approximately 400 feet west of the intersection of Lakeview Parkway and Amesbury Lane. The proposed site is located on Lot 3R, Block A of the Amesbury Addition Phase II. The property is currently zoned C-2.

The requested Specific Use Permit (SUP) is due to the proposed construction of a food and beverage service facility with drive-thru facilities.

Based on the existing C-2 zoning and surrounding developments, the proposed Starbucks Site is consistent with adjacent developments and meets the intent of the zoning district and the comprehensive plan. There are approximately five other existing developments in the immediate area that have drive-thru facilities. The Special use permit is required due to the fact that all drive-thru lanes require an SUP within the city of Rowlett. The proposed use of the drive thru will not have a negative impact on the health, safety, morals, or general welfare of the public.

The proposed Starbucks will share an existing common access driveway with the adjacent Lakeview Crossing Shopping Center to Lakeview Parkway. There is also an existing access easement to the east providing access to Amesbury Lane. The site will be served by an existing water line along Lakeview Parkway and an existing 8" water line within the shared access drive. Sanitary sewer service will connect to the existing 6" line to the east and provide a future connection for the undeveloped tract west of the project site. The existing storm drainage system in Lakeview Parkway will provide sufficient capacity for fully developed conditions of the proposed development. A traffic impact Analysis will be provided as requested by the City. Based on the

The proposed SUP is consistent with other properties in the area and will have no adverse impacts in the vicinity of the subject tract. The proposed drive-thru facilities is suitable for the existing C-2 zoning, consistent with the surrounding developments and has sufficient infrastructure in the immediate area.



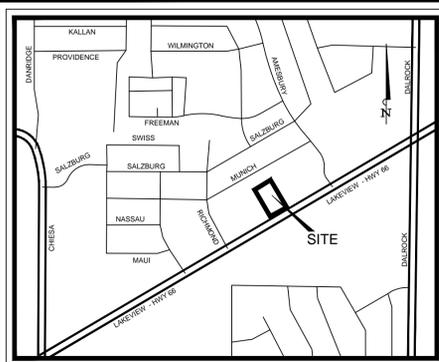
Should you have any questions, please feel free to contact me.

Sincerely,

Claymoore Engineering, Inc.

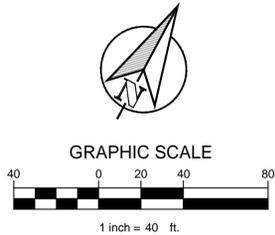
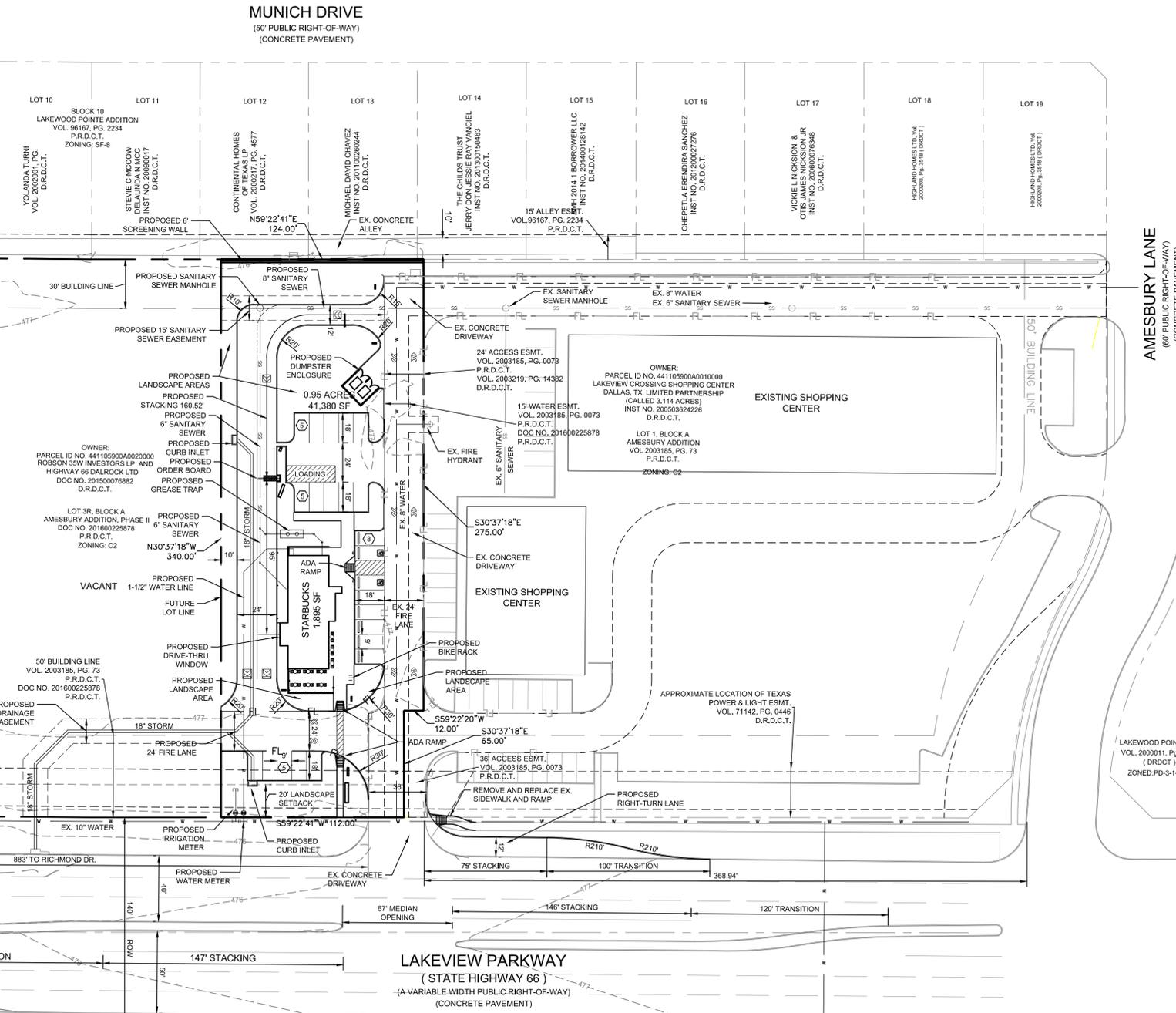
A handwritten signature in blue ink, appearing to read "Matt Moore".

Matt Moore, P.E.



VICINITY MAP  
NTS

J. SAUNDERS SURVEY  
ABSTRACT NO. 1424



PROJECT SITE DATA	
GENERAL	
CASE NUMBER	STARBUCKS
NAME OF PROJECT/DEVELOPMENT	STARBUCKS
PROPOSED USE	PROPOSED STARBUCKS WITH DRIVE THRU
FUTURE LAND USE DESIGNATION	FOOD AND BEVERAGE SERVICE WITH DRIVE THRU
PROPOSED FUTURE LAND USE DESIGNATION	COMMERCIAL/RETAIL USE
EXISTING ZONING DISTRICT	C-2 GENERAL COMMERCIAL/RETAIL
PROPOSED ZONING DISTRICT	C-2 GENERAL COMMERCIAL/RETAIL
APPLICABLE OVERLAYS (E.G., PD, SUP)	LAKEVIEW PARKWAY CORRIDOR
APPRAISAL DISTRICT ACCOUNT NUMBERS AND COUNTY	CAD #441105900A0020000 DALLAS COUNTY

OVERALL SITE	
GROSS SITE AREA	41,380 SF (0.95 AC)
SITE FRONTAGE	112'
SITE WIDTH	124'
SITE DEPTH	410'
IMPERVIOUS SURFACE AREA	28,142 SF (0.65 AC)
PERVIOUS SURFACE AREA	13,238 SF (0.30 AC)
ACCESSORY USE %	0
OPEN SPACE (AC & %)	(0.30 AC) 26%
DETENTION/RETENTION (AC & %)	0
RECREATION (AC & %)	0
PRESERVE (AC & %)	0
CIVIL (AC & %)	0
OTHER (AC & %)	0

BUILDING	
TOTAL GROSS INTENSITY (FAR)	0.046
TOTAL SQUARE FOOTAGE	1,895 SF
COMMERCIAL SF	1,895 SF

PROPERTY DEVELOPMENT REGULATIONS	
MAXIMUM BUILDING COVERAGE (PERMITTED & PROPOSED)	
MINIMUM LOT AREA (REQUIRED & PROPOSED)	
MINIMUM LOT WIDTH (REQUIRED & PROPOSED)	
MINIMUM LOT DEPTH (REQUIRED & PROPOSED)	
SETBACKS (REQUIRED & PROPOSED)	
FRONT SETBACK	50 FEET
SIDE INTERIOR SETBACK	N/A
SIDE STREET SETBACK	N/A
REAR SETBACK	30 FEET
MAX STRUCTURE HEIGHT (PERMITTED & PROPOSED)	22' - 3"
MAX NO. STORIES/FLOORS (PERMITTED & PROPOSED)	1 STORY (PROPOSED)

IMPROVEMENTS (AS APPLICABLE)	
# SEATS	73
# DRIVE THRU LANES	2

PARKING & ACCESS	
PARKING (TOTAL #)	23
# HANDICAP PARKING	2
# LOADING SPACES	0
# ACCESS POINTS	3

EXHIBIT D - ZONING CONCEPT PLAN

<b>STARBUCKS</b> LEGAL DESCRIPTION: LOT 3R, BLOCK A AMESBURY ADDITION PHASE II			
CITY:	STATE:		
ROWLETT	TEXAS		
COUNTY:	SURVEY:	ABSTRACT NO.:	
DALLAS	J. SAUNDERS SURVEY	1424	
SUBMITTAL LOG:			
SEPTEMBER 13, 2016	FIRST CITY SUBMITTAL		
SEPTEMBER 29, 2016	SECOND CITY SUBMITTAL		
OCTOBER 28, 2016	THIRD CITY SUBMITTAL		

**PRELIMINARY**  
FOR REVIEW ONLY  
Not for construction purposes.  
CLAYMOORE ENGINEERING  
ENGINEERING AND PLANNING  
CONSULTANTS  
Engineer: **MATT MOORE**  
P.E. No. 95816, Date 10/28/2016

**STARBUCKS**  
**LAKEVIEW PARKWAY (HWY. 66)**  
**AND RICHMOND DRIVE**  
**ROWLETT, TEXAS**

NO.	DATE	REVISION	BY

SUP EXHIBIT - D

DESIGN: BJK  
DRAWN: BJK  
CHECKED: MAM  
DATE: 10/28/2016

SHEET  
**2**  
File No. 2016-116

- NOTES:**
- NO 100-YEAR FLOODPLAIN EXISTS ON THE SUBJECT PROPERTY.
  - THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDANCE WITH CITY OF ROWLETT DEVELOPMENT STANDARDS.

**ENGINEER**  
CLAYMOORE ENGINEERING, INC.  
1903 CENTRAL DRIVE, SUITE #406  
BEDFORD, TEXAS 76021  
PH. 817.281.0572  
FAX. 817.281.0574  
CONTACT: MATT MOORE, PE  
EMAIL: MATT@CLAYMOOREENG.COM  
TEXAS REGISTRATION #14199

**SURVEYOR**  
VOTEX SURVEYING  
10440 N. CENTRAL EXPRESSWAY  
SUITE 800  
DALLAS, TX 75231  
PH. 817.281.0572  
TEL: 469.333.8831  
CONTACT: CANDY HONE, RPLS  
EMAIL: CANDY@VOTEXSURVEYING.COM  
TBPLS FIRM NO. 10013600

**OWNER**  
TCG SB INVESTORS, LLC.  
12720 HILLCREST RD., SUITE 650  
DALLAS, TX 75230  
TEL: 214.365.4632  
CONTACT: TIM THOMPSON  
EMAIL: TTHOMPSON@CRESTVIEWCOMPANIES.COM

BOBBY KUBIN  
10/28/2016 11:48 AM  
LOCATION: \\CNSERVER\PUBLIC\PROJECTS\PROJECTS\2016-116\_CRESTVIEW\_ROWLETT\_STARBUCKS\CADD\SHEETS\SUP-EXHIBIT D.DWG  
LAST SAVED: 10/28/2016 11:46 AM



Katy Goodrich

From: Brenda Tippit <itsjustmebt@me.com>  
 Sent: Sunday, October 30, 2016 9:45 PM  
 To: Katy Goodrich  
 Subject: I am in favor of special use permit

**Rowlett**  
 TEXAS  
 Department of Development Services

COURTESY NOTICE OF PUBLIC HEARING

Property Owner  
 Application for a Special Use Permit

The subject property is located at 8701 Lillian Parkway further described as being Lot 26, Block A, of the Avenbury Addition, City of Rowlett, Dallas County, Texas. A map is attached to this notice.

The applicant is proposing a restaurant with a drive-through (DDBucks). Per the Rowlett Development Code, a restaurant with a drive-through requires a Special Use Permit in the C-3 zoning district. (DUP 186.2513)

I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:  
 I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENT: *A favor restaurant to have*

PROPERTY OWNER NAME: *Michelle Carroll*  
 (Print)  
 SIGNATURE: *Michelle Carroll*  
 ADDRESS: *1111 Marilee Dr Rowlett, TX 75089*

If your written comments are being submitted in the above zone, additional information is available to the Department of Development Services located at 2001 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:30 p.m. on the 6<sup>th</sup> of November, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 6<sup>th</sup> of December, 2016. Both hearings will be held at the Municipal Center, 4000 Main Street, Rowlett, Texas. Please notify requests prior. If the applicant and/or address are changing, your comments will not be resubmitted. Your request must be received at the Development Services Department by 5 pm on Wednesday, November 2, 2016. For your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 23, 2016, to be included in the City Council packet. All requests received by November 2 will be forwarded to the Council as well. It is not necessary for requests to be approved after the first noted above shall not be accepted in the request of response.

If you have any questions concerning this request, please contact the Department of Development Services:  
 Phone: 972-453-1306  
 FAX: 972-412-4278  
 kgoodrich@rowlett.com

RETURN BY FAX OR MAIL OR EMAIL  
 City of Rowlett  
 Development Services  
 PO Box 59  
 Rowlett, TX 75089-0059

Sent from my iPhone



Department of Development Services

10-25905P90915-PAIN

NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application for a Special Use Permit
LOCATION: The subject property is located at 8201 Lakeview Parkway further described as being Lot 3R, Block A, of the Amesbury Addition, City of Rowlett, Dallas County, Texas.
EXPLANATION OF REQUEST: The applicant is proposing a restaurant with a drive-through (Starbucks).

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

8101 Lakeview

COMMENTS: This use will bring further development to the remaining land next to it !! Please approve

PROPERTY OWNER NAME (print): Highway 66 Dalrock Ltd
SIGNATURE: 7001 Preston Rd Suite 410
ADDRESS: Dallas TX 75205

Your written comments are being solicited in the above case. Additional information is available in the Department of Development Services located at 3901 Main Street. The Planning and Zoning Commission of the City of Rowlett, Texas, will hold a public hearing at 7:00 p.m. on the 8th of November, 2016, and that the City Council will hold a public hearing at 7:30 p.m. on the 6th of December, 2016.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Service Department by 5 pm on Wednesday, November 2, 2016, for your comments to be included in the Planning and Zoning Commission packet and/or by Wednesday, November 23, 2016, to be included in the City Council packet.

Any owner of property subject to a proposed rezoning or affected by a proposed rezoning may protest the rezoning by filing a written protest (this form is sufficient) with the Director of Development Services within the time specified above. The protest shall object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made, and be signed by the owner of the property.

Table with 2 columns: Contact information for questions and return instructions (Return by fax or mail or email).



# City of Rowlett

## Staff Report

Planning & Zoning Commission

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 11/08/2016

**AGENDA ITEM:** C2

### TITLE

Conduct a public hearing and make a recommendation on a request for a rezoning from a Form-Based Commercial Center Zoning District to a Planned Development (PD) with underlying Single Family-5 (SF-5) base zoning district. The subject properties are located at 7400 and 7600 Liberty Grove Road further described as 58.83 +/- acre tract of land situated in the Jessie S. Starkey Survey, Abstract No. 1333, in the City of Rowlett, Dallas County, Texas.

### STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

### SUMMARY

The subject properties are zoned Commercial Center Form-Based District (CC-FB), and are currently regulated by the Form-Based Code (FBC) and the Center for Commerce and Industry Framework Plan. A location map is included as Attachment 1 and the existing Center for Commerce and Industry Framework Plan, adopted in 2014 as part of the City's North Shore Planning Initiative, is included as Attachment 2. The applicants are requesting to rezone the subject properties to a PD to allow a single family subdivision on 34.73 acres while allowing retail, office, commercial and/or multifamily developments on the remaining 24.10 acres (Attachment 3 – Statement of Intent and Purpose).

### BACKGROUND INFORMATION

The subject properties are located along the south side of Liberty Grove Road approximately 1,000 feet east of President George Bush Tollway (PGBT). The subject properties are currently undeveloped and are bordered by the following uses:

SURROUNDING ZONING AND USES	
South, East and portion of West:	City of Dallas property / Floodplain
West (portion):	Single-family residences zoned CC-FB
North:	Single-family residences zoned CC-FB

The subject properties were previously zoned Mixed-Use North Shore (MU-NS) and was included in the "Center for Commerce + Industry" (Area B-1) of the Realize Rowlett 2020 Plan, adopted 2011. The intent of the "Center for Commerce + Industry" designation is to provide for Flex Office, Class B Office, Limited Service Hotels and Active and Passive Public Spaces. Area B-1 was identified in Phase 1 of Realize Rowlett 2020 as one of the 13 opportunity areas for future development. Area B-1 and the North Shore Area A (west of PGBT) were recognized as the last remaining areas in the City to allow for future high intensity commercial developments that can

assist in diversifying City's primarily residential tax base in order to achieve City's long term goal of becoming more fiscally sustainable.

In 2012, Realize Rowlett 2020 was followed up with additional planning efforts with Phase II which included a detailed market analysis and the adoption of a Form Based Code (FBC), which was applied to four of the thirteen opportunity areas. The next phase of planning known as the North Shore Master Planning Initiative included Area B-1 (including the subject properties) and the North Shore Area A. Between November 2013 and March 2014, the North Shore Master Planning Initiative included a number of public meetings, a detailed market analysis and the completion of subarea plans. The North Shore Master Planning Initiative was completed on April 15, 2014, with subarea plans (Attachment 4 – Center for Commerce and Industry Comprehensive Plan Amendment), the adoption of additional Form Based districts and the rezoning of the North Shore Area A and Area B-1, including the subject properties. The subject properties were rezoned to CC-FB as part of the Center for Commerce and Industry Framework Plan.

The applicant was informed before they submitted the rezoning application of the intent of the Realize Rowlett 2020 vision for the Area B-1. Staff explained upfront that a conventional zoning request would not be supported by Staff, as that would not further the City's goals of providing diversified housing types and that the subject properties are intended for future commercial development. Additionally, it was explained that the City's long term goals for the North Shore Area is to provide for a diversified commercial tax base.

The applicants do not intend to utilize the FBC for their development. **This proposal is for a conventional suburban development.** The applicants are requesting a PD to allow a single family subdivision on 34.73 acres while allowing retail, office, commercial and/or multifamily developments on the remaining 24.10 acres. The single family portion will use an underlying zoning of SF-5 with modified development standards (Attachment 4 – Development Standards). If approved, the proposed development will follow the standard requirements in the RDC except for those requirements specified in the Development Standards and the Concept Plan. The applicant's Concept Plan proposes a 144-lot single family subdivision with a minimum lot size of 6,000 square feet (Attachment 6 – Concept Plan). The proposed development will allow rear entry homes and front entry homes with garage doors that face the street.

On the northern 24 acres of the subject properties located along Liberty Grove Road, the applicants are proposing a PD that will allow a combination of uses including multifamily, office, commercial and retail. The applicants did not specify where these uses will be located or the percentages of each use on their Concept Plan. The proposed PD is open-ended in that it would allow uses that are allowed by right in the Multi-Family Attached Residential Suburban (MF-S), Multi-Family Attached Residential Townhouse (MF-TH), Limited Commercial/Retail District (C-1), General Commercial/Retail District (C-2), Limited Office (O-1), and General Office District (O-2). As far as the development standards, the nonresidential uses would follow the applicable nonresidential requirements in the RDC while residential uses would follow the residential standards.

## DISCUSSION

Section 77-805 of the *Rowlett Development Code (RDC)* states that the Planning and Zoning Commission shall consider the following when making their decision as it pertains to rezoning requests. These criteria are listed below:

1. Whether the proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;

***It is staff's professional opinion that the proposed rezoning does not address a changing condition, trend, or fact. The current zoning was established in direct efforts to rectify the trend towards an oversupply of the residential product types throughout the City. The desired result was to diversify the City's economic base. It was acknowledged throughout the North Shore planning process that the vision for the North Shore was a long-term vision and the zoning should be seen as a long-term strategy. Based on that, it is not surprising that there is a short-term market demand for the proposed rezoning. Since this was discussed and acknowledged throughout the North Shore planning process, staff does not see it as a changing condition, trend or fact. For that reason, staff cannot support the proposal for an alternative that is not in line with the Comprehensive Plan and City Council's vision.***

2. Whether the proposed rezoning is consistent with the comprehensive plan and the purposes of this code stated in subchapter 77-103, Purpose of this Code;

***The proposed rezoning would make the subject properties inconsistent with the Comprehensive Plan designation. The Comprehensive Plan designated the subject properties as "Center for Commerce + Industry", Area B-1. The recommended product types included: Flex Office, Class B Office, Limited Service Hotels and Active and Passive Public Spaces.***

***As previously mentioned, while it may be appropriate to consider conventional subdivisions in other areas of the City, the districts identified as strategic opportunities within the Comprehensive Plan and more specifically the areas wherein the City initiated and approved rezonings to FB Districts, including the Area B-1, were identified as critical to advancing the City's vision for fiscal sustainability. As a long range strategy it is necessary to resist the desire to accommodate what is in high demand now, versus the ultimate buildout. Once the opportunity for economic diversity is gone it is almost impossible to recapture. One of the major Guiding Principles empathizes for Area B-1 in the Comprehensive Plan is to "Grow the City's economy through diversification of job and business opportunities." Allowing the proposed PD will not further vision laid out in the Comprehensive Plan. The PD will allow for a single family subdivision on southern portion of the property while allowing for an open-ended zoning on the northern portion for speculative purposes.***

3. Whether the proposed rezoning will protect or enhance the health, safety, morals, or general welfare of the public;

***Aside from not following Realize Rowlett 2020, rezoning the property for a standard suburban residential subdivision will reduce the amount of developable land in the North Shore that can be used to leverage opportunities to diversify the City's economic base, maximize public infrastructure investments, and to create lasting value and distinctive character. This will reduce the opportunity for the City to achieve financial sustainability. However, beyond that Staff does not anticipate any threat to the health or safety of the public based on the proposal.***

4. Whether the municipality and other service providers will be able to provide sufficient transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

***The proposed rezoning has been reviewed from the standpoint of providing sufficient utilities (e.g., water and sanitary sewer). Available water and sanitary sewer services are adjacent to the subject site. Should the request be approved, the applicant will be required to provide adequate water and sewer services to the area. Additionally, the applicant will be required to follow the traffic impact analysis that was performed to determine what improvements may be necessary to Liberty Grove Road. The initial TIA indicated that a right turn lane and a median left turn lane will be required for both entrances into the development along with signalized intersections.***

5. Whether the proposed rezoning is likely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

***It is unlikely that the proposed rezoning will have significant adverse impacts on the natural environment.***

6. Whether the proposed rezoning will have significant adverse impacts on other property in the vicinity of the subject tract;

***Staff does not anticipate that the proposed rezoning will have significant adverse impacts on other properties in the vicinity.***

7. The suitability of the subject property for the existing zoning classification and proposed zoning classification;

***The subject properties have an existing zoning designation of CC-FB, which is consistent with the Comprehensive Plan designation. The North Shore Master Planning Initiative created a FBC district for the subject properties that will provide the regulatory tools to carry out the vision established by the Comprehensive Plan for the subject properties and the surrounding area. The adopted FBC Districts are***

**calibrated based on the market analysis performed for the North Shore Master Planning Initiative.**

**The proposed zoning designation is inconsistent with the Comprehensive Plan designation, and therefore not suitable for this property. Rezoning the subject properties to allow for a conventional single family subdivision and commercial/multifamily conventional developments runs completely counter to the vision established in the Comprehensive Plan.**

8. Whether there is determined to be an excessive proliferation of the use or similar uses;

**The proposed rezoning is attempting to provide a conventional housing product type that is already supplied in the City. Unlike the proposed rezoning request, these projects have regulatory and design elements in place that will ensure varying home and lot choices that are integrated into a complete neighborhood. Adding to this supply in the North Shore may have the unintended consequences of limiting future commercial development and not furthering the City's goal of diversifying the tax base.**

9. Whether the proposed rezoning will ensure that future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract; and;

**The majority of the properties surrounding the subject site is floodplain; therefore, incompatibility issues are minor in nature.**

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.

**Realize Rowlett 2020 called for these properties to be developed as higher intensity which was reinforced by the market analysis performed as part of the North Shore Master Planning Initiative. The market analysis identified the future demand for different building types over a twenty period for the City of Rowlett within the context of a larger trade area. The analysis indicates that there is future demand for commercial development. Removing the subject properties from the supply of future commercial development will restrict the City's ability to achieve the long term goal of diversifying the City's tax base. Based on current land use assumptions from the Plan and the remaining available land left to develop in Rowlett, it is critical that all commercial/industrial property be developed as such in order to achieve diversification and sustainability for the community.**

In summary, the proposed PD is not consistent with the Realize Rowlett 2020 Comprehensive Plan. The subject properties was identified within one of 13 opportunity areas and zoned under the FBC. It is staff's opinion that the existing zoning is the most appropriate for this area. Utilizing the FBC will ensure that the proposed development achieves many of the Guiding Principles and

the vision outlined in the Comprehensive Plan by ensuring a neighborhood design that emphasizes walkability within the public realm and provides a commercial mix that adds to diversity to the City's economic base.

Allowing for a residential subdivision to creep further into an area designated for future employment and commercial centers will further restrict the City last major undeveloped area for commercial developments. From the very beginning of the Realize Rowlett 2020 planning process, the ultimate goal was to provide a vision for development that is grounded in market reality that when achieved will help the City achieve fiscal sustainability. The City is saturated with inventory from housing products within a very narrow size and price band and cannot afford to add more of the same product to its inventory. In Staff's opinion, allowing a conventional residential subdivision that does not follow efficient development patterns into an area designated for future employment centers will not help the City achieve fiscal sustainability. Staff recommends denial of this proposed PD.

#### **Public Hearing Notices:**

Notice of this public hearing was mailed, posted, and published in accordance with State Law and the Rowlett Development Code. Eleven 200-ft notices and 14 courtesy 500-ft notices were mailed on October 24, 2016, and as of November 2, 2016, Staff has not received any responses.

City Staff posted a zoning sign the subject properties on October 28, 2016, in accordance with the RDC and remains on the site today. Staff published a Legal Notice in the Dallas Morning News on October 27, 2016, pursuant to the requirements set forth in the RDC.

#### **FISCAL IMPACT**

N/A

#### **RECOMMENDED ACTION**

Staff recommends that Planning and Zoning Commission recommend denial of the proposed Planned Development.

#### **ATTACHMENTS**

Attachment 1 – Location Map

Attachment 2 – Center for Commerce and Industry Framework Plan

Attachment 3 – Statement of Intent and Purpose

Attachment 4 – Center for Commerce and Industry Comprehensive Plan Amendment

Attachment 5 – Development Standards

Attachment 6 – Concept Plan



Adopted 15 April 2014

# North Shore Center for Commerce and Industry

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## Overview

Unless otherwise noted below, all standards in the City of Rowlett Form Based Code will govern. The Framework Plan is based on the Realize Rowlett 2020 Comprehensive Plan and will provide guidance and direction for the application of design standards and principles in approving final Regulating Plans/Phased Development Plans, Development Plans and permits.

**Intent.** It is intended that North Shore be the City of Rowlett's major employment hub. This is achieved by permitting an integrated mix of uses and building types in order to facilitate and support an employment base. High quality standards, design parameters and preservation of natural features provide an amenity package and adjacency predictability for entities developing within North Shore. In the future, a more detailed amenity package will be defined for this area to truly create a live, work and play environment. (See Realize Rowlett 2020 Comprehensive Plan.)

## Districts

North Shore Center for Commerce and Industry is comprised of two Form Based Districts ("FB Districts") – Urban Village and Commercial Center. – as set out in the attached Framework Plan. These FB Districts are modified as set out below.

## General

**Non-Conformity.** Within North Shore, the following Structure Non-Conformity standard will not be applicable:

*FBC 1.6.3.a.3. Any expansion of the building footprint must also be accompanied with an upgrade to the street tree and sidewalk standards in effect at the time under this Chapter. Where this is not possible or deemed a hardship, then the street tree and sidewalk improvements will be escrowed to the City to be installed by the City at a later date.*

**Landmarks/Amenities.** Landmark buildings and amenities within the North Shore Center for Commerce and Industry area are absolutely essential in promoting this area as a live, work and play environment. Elements such as retail and restaurants, personal and business services, a junior college campus or satellite school, and a limited amount of housing in the area, are key to attracting employers and work force.

**Natural Features.** Preservation of green belts and water bodies are important to attracting employers. These natural assets are desired amenities when siting Commercial, Live-Work and Flex Employment buildings.

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**Streets.** A network of Primary and Secondary Streets has been designated on the Framework Plan: Special Requirements. It is intended that along Primary Streets a higher building frontage percentage be met. And further, that along Secondary Streets a lower building frontage percentage is permitted in order to allow for service circulation, alleys, etc. Secondary streets have been delineated on the Framework Plan with the intent that they may be reconfigured as development occurs provided that the layout meets the standards of the FBC (i.e. block face standards). Within the Commercial Center FB District, standards within the FBC allow for the ability to combine blocks (superblock) to aid in accommodating larger employment users.

### **Urban Village**

**General Boundaries.** The Urban Village FB District is generally bounded by President George Bush Turnpike on the west and Muddy Creek on the east, and centers along the relocated Merritt Road. (See Framework Plan.)

### **Building Types.**

Within Overlay A, the following Urban Village Building Types in the Form Based Code are allowed: Commercial, Mixed-Use, Shopfront and Mixed Residential.

The following provision will be applicable within the Urban Village FB District: Mixed Residential units will be evaluated as part of a larger mixed-use development, and may only occupy 25 percent (excluding parks and streets) of the land area or building square footage in a Regulating Plan/Phased Development Plan or Development Plan. A request to deliver more than 25 percent Mixed Residential will require approval by Major Warrant.

**Building Height.** Within Overlay A, the minimum building height will be 3 stories and there will be no maximum height. One-story and two-story buildings may be allowed under certain conditions, but will require approval of a Minor Warrant.

**Streets.** The street system is intended to facilitate circulation for pedestrians, bicycles, vehicles and emergency services. Streets are fully interconnected, not gated and designed with a formal tree line for shade, wide sidewalks and curbs. Within Urban Village developments, tree grates and wells are preferred in order to generate a “main street” atmosphere.

**Open Space.** North Shore Center for Commerce and Industry is planned to contain centralized open space throughout to provide important foci for urban communities. These open spaces will be improved for more intense use than the residential neighborhoods with plazas, water features or other amenities. All of these areas will be connected with shaded sidewalks and trails.

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## **Commercial Center**

**General Boundaries.** The Commercial Center FB District is generally bounded by President George Bush Turnpike on the west, natural features on the east, with a band of Urban Village FB District along the relocated Merritt Road through the middle. (See Framework Plan.)

### **Building Types.**

Within Overlay B, the following Commercial Center Building Types in the Form Based Code are allowed: Commercial, Flex Employment, Mixed-Use, Shopfront and Mixed Residential.

Where Overlay B is not designated, all Commercial Center Building Types in the Form Based Code are allowed.

**Building Height.** Within Overlay B, the minimum building height will be 3 stories and there will be no maximum height. One-story and two-story buildings may be allowed under certain conditions, but will require approval of a Minor Warrant.

Where Overlay B is not designated, the maximum building height will be six stories (6).

**Transition with Buffer.** It is intended that a “Transition with Buffer” will occur along areas designated on the Framework Plan: Special Requirements. This 100-foot wide transition sets the following parameters for lots that immediately abut areas zoned Single Family under the RDC (SF-5 thru SF-40), which exist prior to adoption of the Form Based Code.

- The maximum principal building height will be 2 1/2 stories.
- The maximum accessory building height will be 2 stories.
- The rear setback will be 20 feet. A landscape buffer containing street trees planted an average of 25 feet on center and a 40-inch metal picket fence with low shrubs will be provided within the rear setback, adjacent to the rear property line.

**Streets.** The street system is intended to facilitate circulation for pedestrians, bicycles, vehicles and emergency services. Streets are fully interconnected, not gated and designed with a formal tree line for shade, wide sidewalks and rolled curbs. Within Commercial Center developments, planter strips are preferred in order to generate a lush, well-shaded public realm.

**Open Space.** North Shore Center for Commerce and Industry is planned to contain centralized open space throughout in order to provide important foci for the urban commercial mixed use communities being created. All of these areas will be connected with shaded sidewalks and trails.

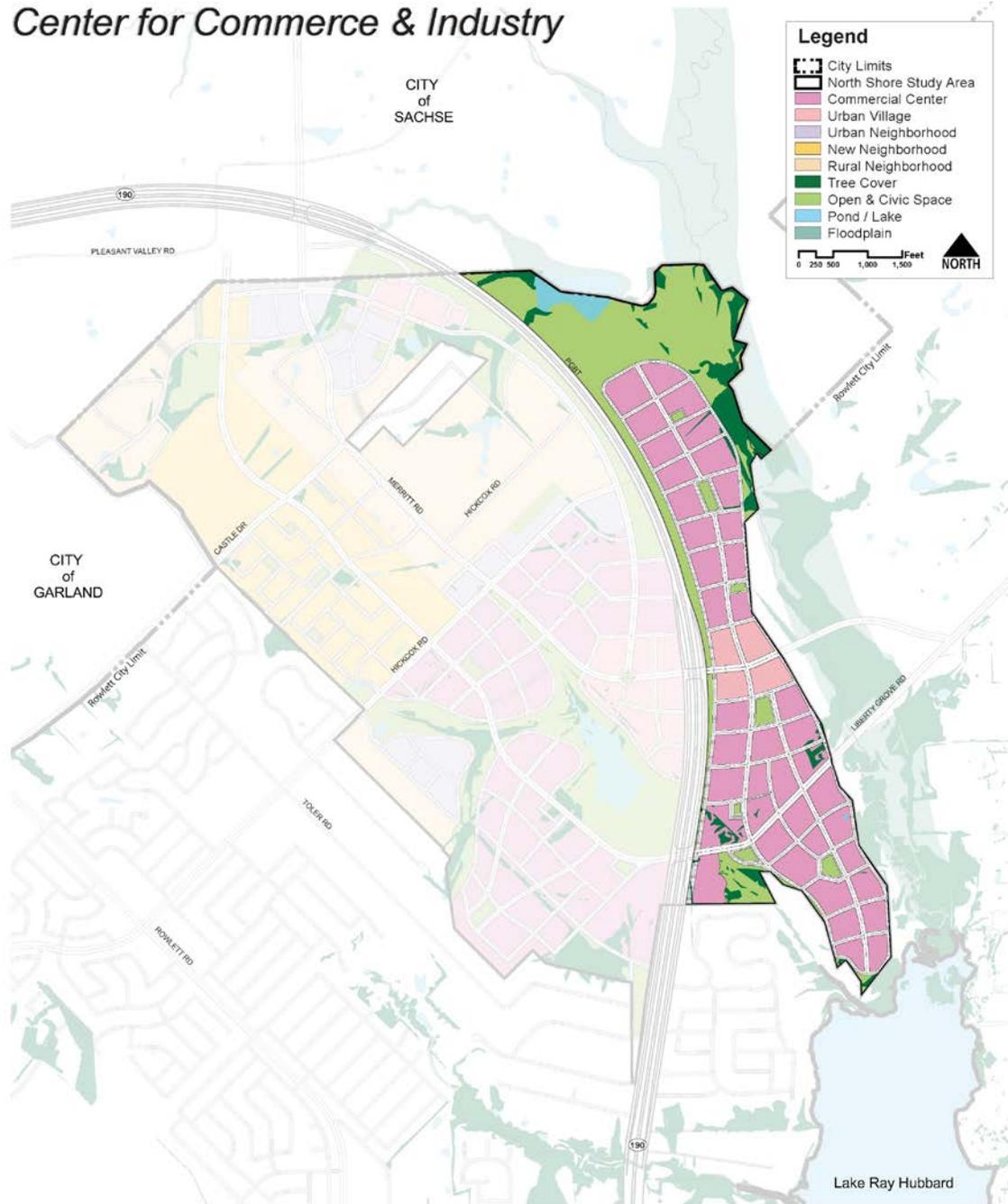
Adopted 15 April 2014

## **Attachments**

1. Framework Plan – the Framework Plan is comprised of the following five (5) diagrams.
  - a. Form Based District Allocation
  - b. Open Space and Trails
  - c. Special Requirements
  - d. Street Classifications
  - e. Zoning Exhibit
2. Street Cross Sections
3. Transition Sections

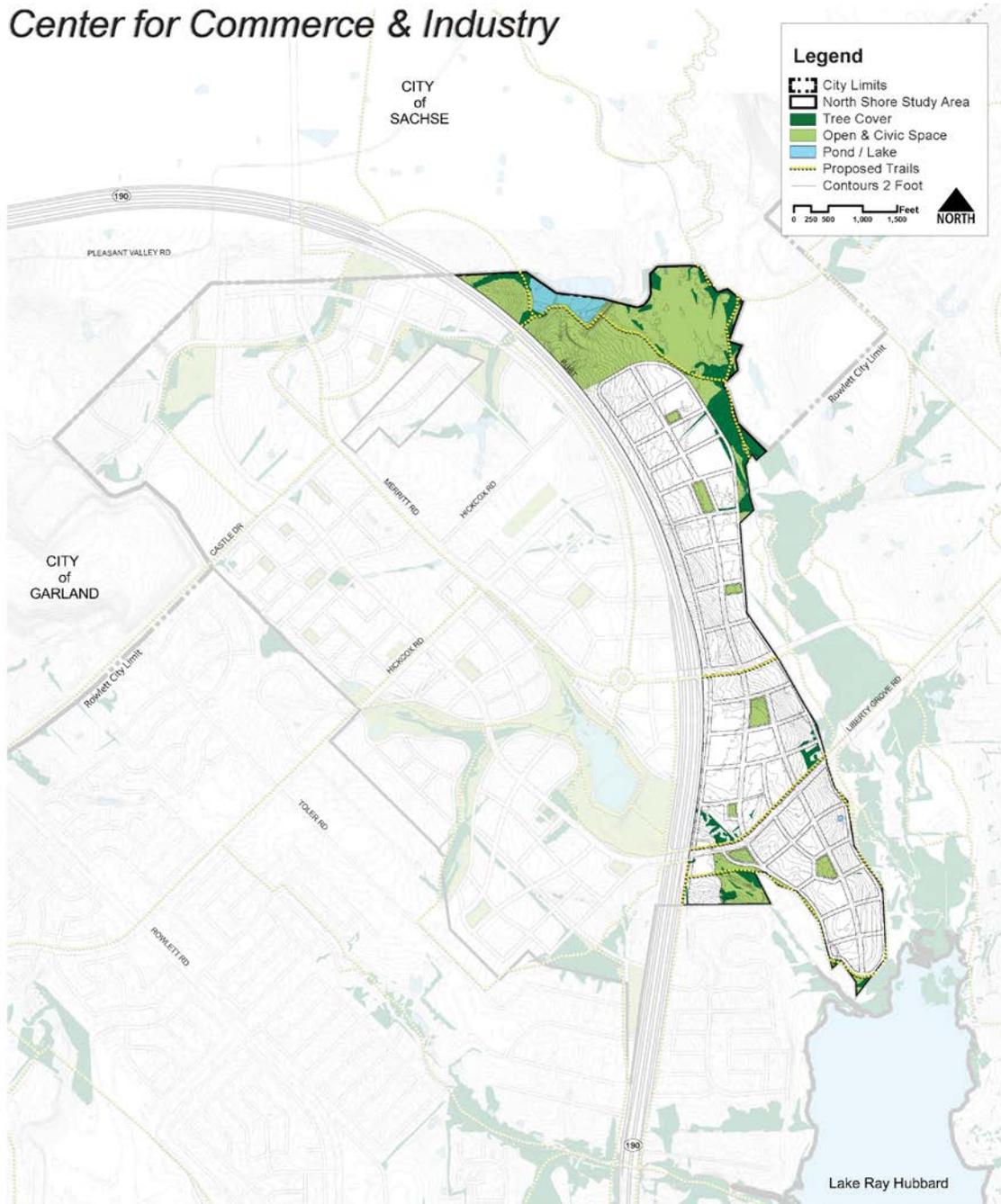
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# Form Based District Allocation Center for Commerce & Industry



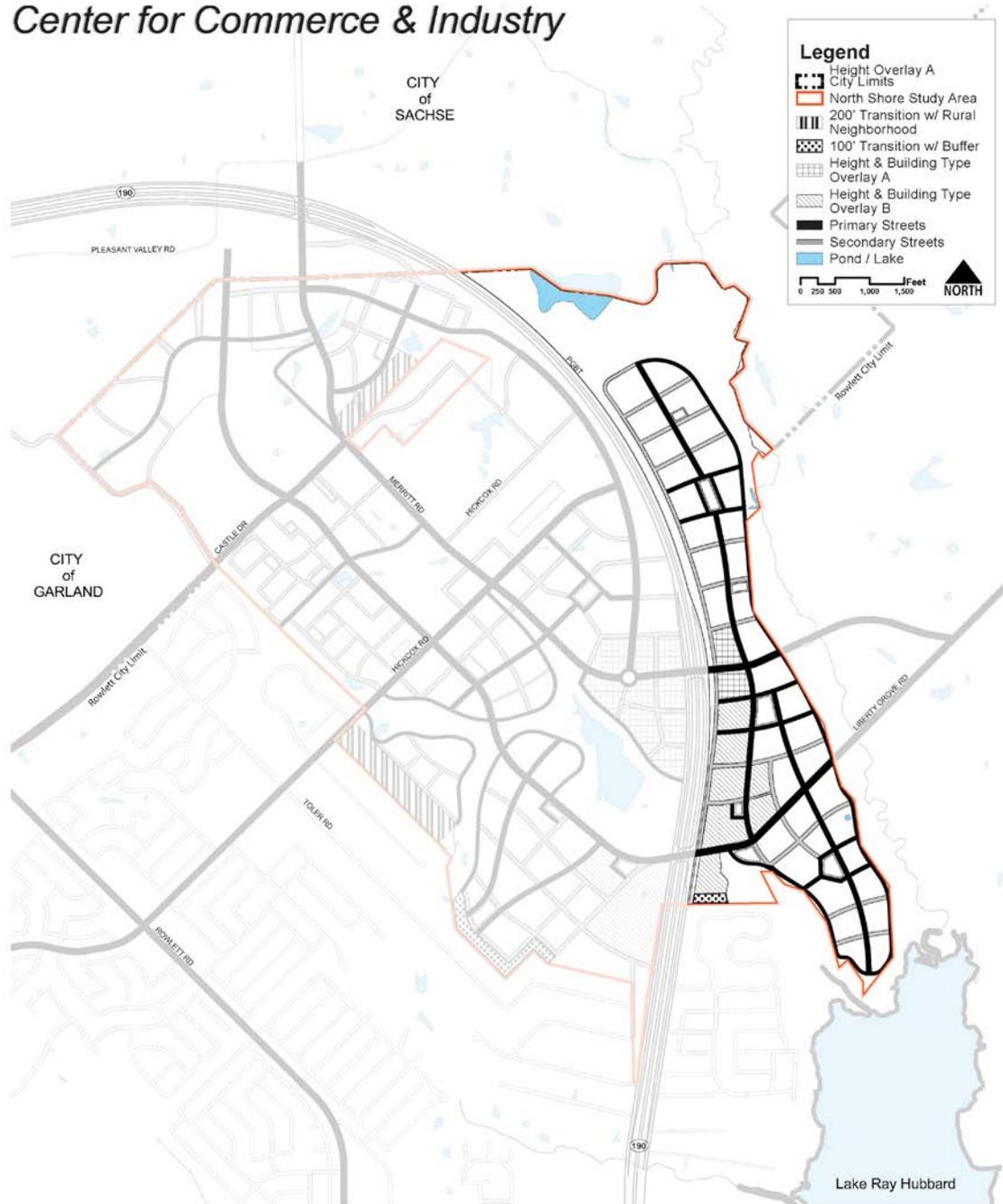
Adopted 15 April 2014

# Open Space and Trails Center for Commerce & Industry



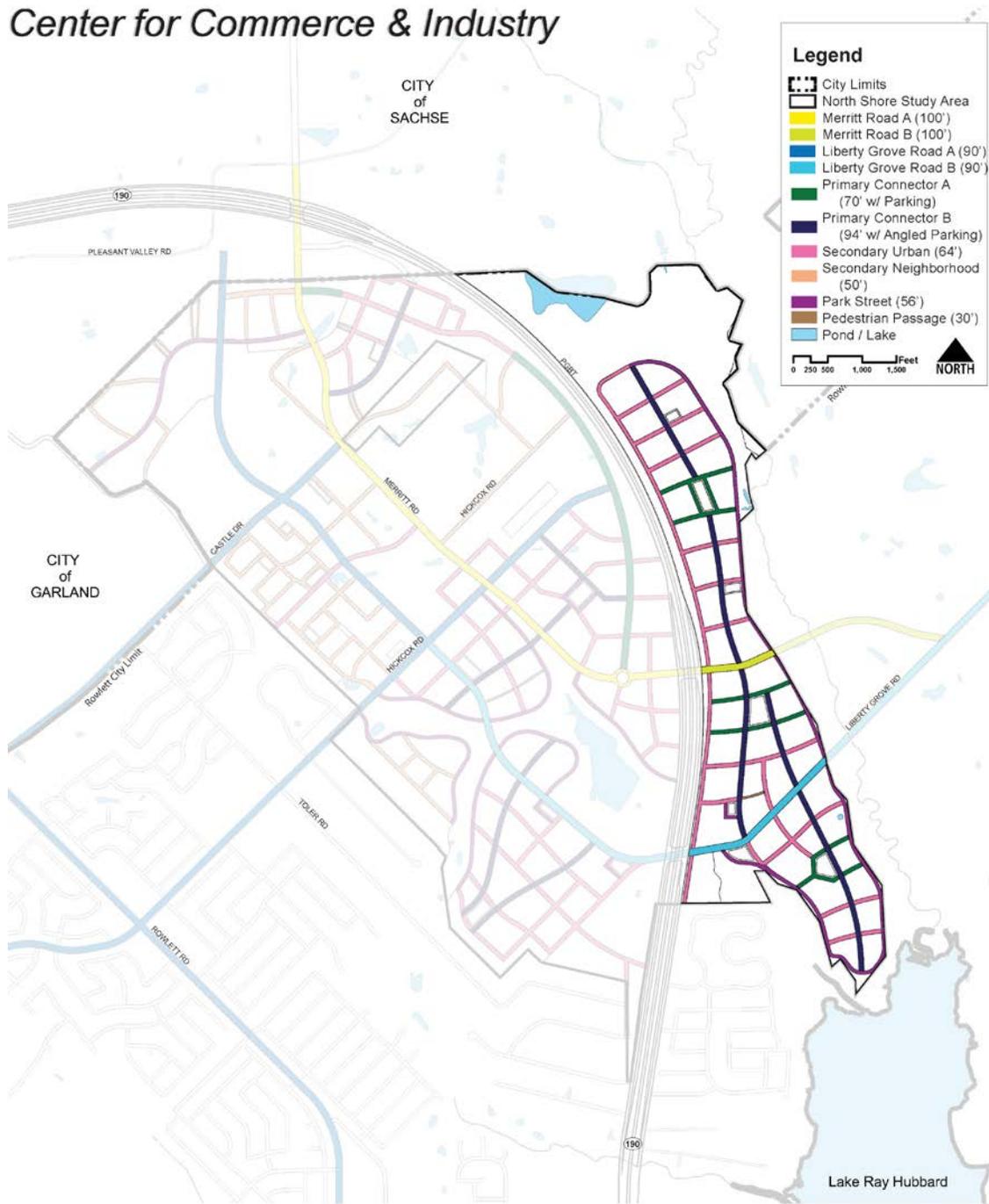
Adopted 15 April 2014

# Special Requirements Center for Commerce & Industry



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# Street Classifications Center for Commerce & Industry



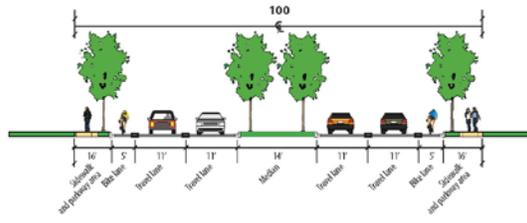


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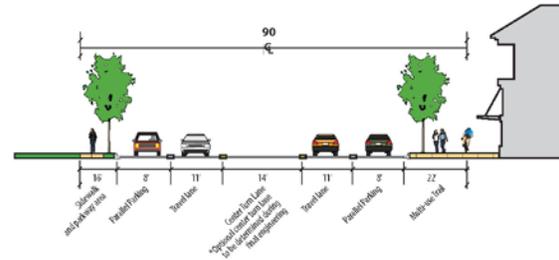
Street Cross Sections

North Shore Streets (Center for Commerce & Industry)

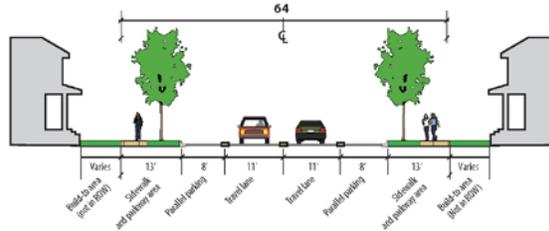
Merrit Road B



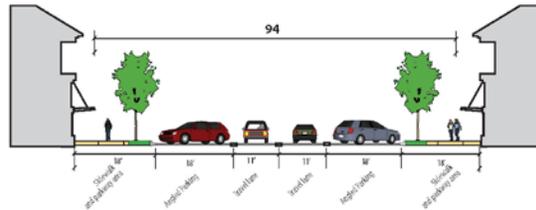
Liberty Grove Road B



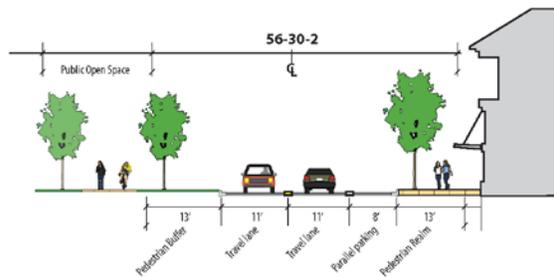
Primary Connector A



Primary Connector B



Park Street

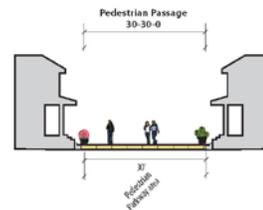
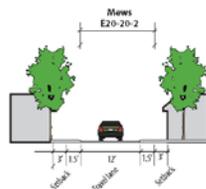
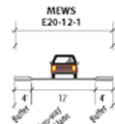
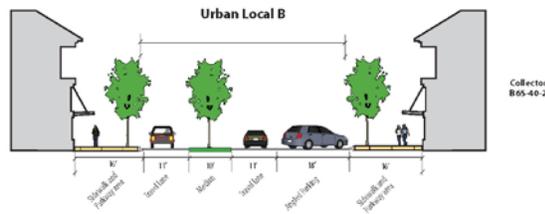
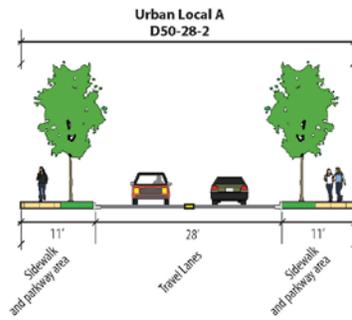
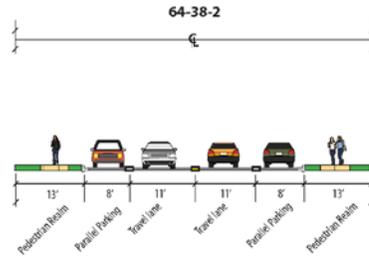


Street Cross Sections

North Shore Streets (Center for Commerce & Industry)

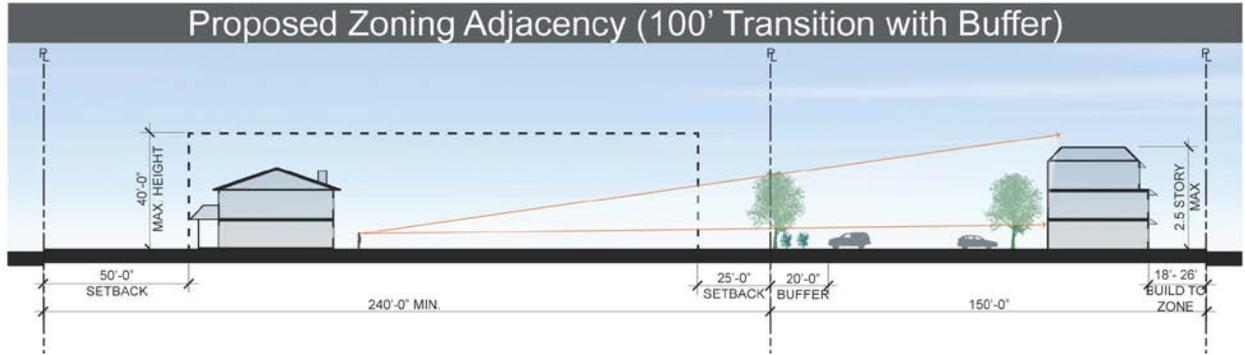
Secondary Urban

\*May be interchanged with Urban Local A and Urban Local B.



Adopted 15 April 2014

### Transition Sections



**EXHIBIT C**  
**STATEMENT OF INTENT AND PURPOSE**  
**The Orchard**

The Orchard is a neighborhood which creates a beautiful, timeless community that upholds and enhances the quality of the surrounding environment. This neighborhood encourages outdoor activities and neighborhood interaction with its centralized greenspace, and connectivity to the City's trail system. This design philosophy brings individuals out of their backyards to enjoy the outdoors together as a community. A portion of the homes will front the centralized common area, which provides residents a scenic view and an opportunity to leave their fenced back yards to meet their neighbors.

This community strives to be a shining example of what Rowlett has to offer. With nearby access to Liberty Grove Road, this property lends its residents easy access to the conveniences of suburban life. In regards to The Orchard' regional context, the neighborhood's residents have convenient access to President George Bush Turnpike, the new CityLine (State Farm) corporate center, and local retail business and retail centers like Wal-Mart, Home Depot, and Super Target nearby. Residents will also enjoy the numerous current and future City Parks nearby such as Muddy Creek Park, Sunset Park, the Environmental Learning Center, and the new Bayside lagoon project.

The potential residential density for this development ranges from 4.3 to 4.6 units per acre.

Section 77-805.C. of the Rowlett Development Code (RDC) indicates that recommendations and decisions on rezoning shall be based on consideration of the following criteria:

1. Whether the proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact.

The requested rezoning does correct errors with respect to zoning.

This area was rezoned to Form Based Commercial Center with hopes to attract a large office tenant that would occupy the majority of the +/- 59 acre site. After several discussions with commercial brokerage firms, office developers (who were an integral part of the State Farm and Toyota corporate relocations), and commercial developers, the two most important keys to a viable corporate center or commercial center are ease of access and visibility. After evaluating this property, their unanimous response was that this site is the least desirable location for a corporate campus or retail center (of the +/- 807 acres that were rezoned to the Form Based Commercial Center) for the following reasons.

First, this site has "VERY challenging access to PGBT," requiring someone to drive past the site, U-turn at Merritt Road, and cross under PGBT before arriving at the site. There are no plans to provide an exit off of PGBT to Liberty Grove Road. The Master Thoroughfare Plan calls for a Liberty Grove Bypass Road, which will render Liberty Grove Road obsolete in the future. To contrast this, the CityLine development is directly adjacent to both US-75 and PGBT, with major thoroughfares of Jupiter Road, Renner Road, and Plano Parkway providing access to the site internally. Second, is the lack of visibility from PGBT. It is +/- 1,000 feet off of PGBT, which gives the site no visibility.

The aforementioned developers and brokers believe the highest and best use for this site for the City increase its Ad Valorem tax base, as well as enhance the viability of the surrounding Form Based Commercial Center is high-quality Single Family and Multifamily development. This would provide high price point housing to attract young executives that would enjoy an easy commute to future corporate centers in the remaining Form Based Commercial Center area.

The request meets the changing environment recognized in the Realize Rowlett 2020 Plan. In the "Framework for the Future" section of the Plan, it clearly states, "In 2020, Rowlett will be a

community with diverse lifestyle choices for living, working, playing, and learning. ...additional housing choices will be available for individuals and families that desire homes needing lower maintenance. Young professionals will be attracted to low maintenance, dense housing found in urban or mixed-use neighborhoods.” Additionally, the Plan recognizes that, “Rowlett’s future as an employment center will blossom”, when a number of actions take place, including, “its housing inventory expands and diversifies.” The Orchard will meet the needs and desires of a more diversified Rowlett resident.

2. Whether the proposed rezoning is consistent with the comprehensive plan and the purpose of this Code stated in subchapter 77-103, Purpose of this Code.

The proposal is consistent with the Guiding Principles outlined in the Realize Rowlett 2020 Plan. While this area is not one of the strategic opportunity areas detailed in the plan, the plan anticipates areas of Rowlett outside those areas will also experience development over time. When they do, the development should work within the framework of the Plan’s Guiding Principles; two of the key ones being Principle 1: Value Existing Neighborhoods, and Principle 3: Make Rowlett a Community that is Attractive to People at all Stages of Their Lives.

The Plan recognizes that in order to protect the Realize Rowlett 2020 vision, “Actions for Change” need to be implemented. For redevelopment of residential areas and/or new development on greenfields in mature residential areas, Action 3 is probably the most important. This Action states, “...and include language related to the efficient delivery of redeveloped properties and projects that advance the principles of Smart Growth and traditional neighborhood development.” The Orchard neighborhood is planned with those principles.

3. Whether the proposed rezoning will protect or enhance the health, safety, morals, or general welfare of the public.

The proposed The Orchard neighborhood does protect the public by:

- i) Fostering convenient, compatible, and efficient relationships among land uses;
- ii) Promoting a healthful and convenient distribution of population;
- iii) Ensures greater public safety, convenience, and accessibility through physical design;
- iv) Encourages the efficient use of the available land supply in the city;
- v) Preserves the character and quality of residential neighborhoods;
- vi) Promotes a balanced, diverse supply of affordable, quality housing in safe and livable neighborhoods;
- vii) Ensures the provision of adequate sized yards, open spaces for light, air, and fire safety;
- viii) Encourages development of a sustainable and accessible system of recreational facilities, and open space that meets year-round neighborhood and community wide needs;
- ix) Facilitates the adequate and safe provision of transportation, water, sewage, drainage, and other public facilities; and
- x) Ensures the service demands of new development will not exceed the capabilities of existing streets, utilities, or other public facilities and services.

4. Whether the municipality and other service providers will be able to provide sufficient transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development.

The Orchard neighborhood’s needs for water can be provided without negatively impacting adjacent properties. The Orchard neighborhood’s needs for sewer services can also be met without negatively impacting adjacent properties. Additionally, the traffic generated by The Orchard residents will not negatively impact the city’s street system.

5. Whether the proposed rezoning is likely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.

The Orchard neighborhood will not have adverse impacts on the natural environment. Activities within the neighborhood will adhere to all of the city's performance standards with respect to air, water, and noise. The city's stormwater management standards will be followed, as they are with all new development in the city.

6. Whether the proposed rezoning will have significant adverse impacts on other property in the vicinity of the subject tract.

The proposed rezoning will not have significant adverse impacts on other property in the vicinity.

7. The suitability of the subject property for the existing zoning classification and proposed zoning classification.

This area was rezoned to Form Based Commercial Center with hopes to attract a large office tenant that would occupy the majority of the +/- 59 acre site. After several discussions with commercial brokerage firms, office developers (who were an integral part of the State Farm and Toyota corporate relocations), and commercial developers, the two most important keys to a viable corporate center or commercial center are ease of access and visibility. After evaluating this property, their unanimous response was that this site is the least desirable location for a corporate campus or retail center (of the +/- 807 acres that were rezoned to the Form Based Commercial Center) for the following reasons.

First, this site has "VERY challenging access to PGBT," requiring someone to drive past the site, U-turn at Merritt Road, and cross under PGBT before arriving at the site. There are no plans to provide an exit off of PGBT to Liberty Grove Road. The Master Thoroughfare Plan calls for a Liberty Grove Bypass Road, which will render Liberty Grove Road obsolete in the future. To contrast this, the CityLine development is directly adjacent to both US-75 and PGBT, with major thoroughfares of Jupiter Road, Renner Road, and Plano Parkway providing access to the site internally. Second, is the lack of visibility from PGBT. It is +/- 1,000 feet off of PGBT, which gives the site no visibility.

The aforementioned developers and brokers believe the highest and best use for this site for the City increase its Ad Valorem tax base, as well as enhance the viability of the surrounding Form Based Commercial Center is high-quality Single Family and Multifamily development. This would provide high price point housing to attract young executives that would enjoy an easy commute to future corporate centers in the remaining Form Based Commercial Center area.

This rezoning will also allow for the creation and maximization of a high-quality centralized open space that will enhance and protect the value of the neighborhood for years to come. A suburban style of single family development deemphasizes the focus on the fenced back yard where every resident is isolated from their neighbor. Social interaction is very important for homeowners in this style of neighborhood. A focus is placed on the common areas in a neighborhood where that social interaction can take place on a daily basis. With that in mind, The Orchard neighborhood will provide a centralized, usable open space for the benefit of the entire neighborhood. This will not only provide ample opportunity for interaction between neighbors, but will also create a more appealing atmosphere to the neighborhood.

The property is well suited for a suburban, infill single family neighborhood. As the Realize Rowlett 2020 Plan indicates, "The community will support diverse choices—in housing types, neighborhood character and land use patterns—so that people at all stages of their lives can find options here that meets their needs". This is an opportunity to diversify Rowlett's housing stock with high-quality homes, making Rowlett a full Life Cycle community.

8. Whether there is determined to be an excessive proliferation of the use or similar uses.

In this vicinity, there is a deficiency of smaller high-quality homes, which allow for less yard maintenance and right-sized homes for aging “baby boomers” who want to stay in Rowlett and young professionals who are drawn toward a more suburban lifestyle with convenient access to President George Bush Tollway. The Orchard is intended to meet the demand for this underserved product type. The Orchard also provides a new and upcoming housing product with its mews-style homes that will be fronting the community open space. There is currently a dearth of this housing type in Rowlett, and it is a housing product Realize Rowlett 2020 desires to grow in the future.

9. Whether the proposed rezoning will ensure that future uses on the subject tract will be compatible in scale with uses on other properties in the vicinity of the subject tract.

The requested rezoning is compatible in scale with uses on other properties in the vicinity. This site sits on a peninsula, buffered from adjacent property owners. The addition of high-quality housing will make the FB-CC Northshore properties far more attractive to potential tenants from both a commercial and office perspective.

10. The supply of land in the economically relevant area that is in the use district to be applied by the rezoning or in similar use districts, in relation to the demand for that land.

The area surrounding The Orchard neighborhood is predominantly undeveloped.

As identified in the Realize Rowlett 2020 plan however, “Though surrounded by attractive suburban alternatives, Rowlett is poised to compete for residential expansion, largely due to future transit improvements... demand for residential product types will continue to grow significantly over the next decade (over 21,000 units in the Trade Area) ...”

The Plan indicates there is ample demand for this type of residential product in this general area of the city.

# Center for Commerce and Industry Comprehensive Plan Amendment

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*This amendment to the Comprehensive Plan builds upon the Plan by providing a Sub-Area Plan that will guide zoning and development decisions which are unique to this particular area of the City.*

## **Background**

In January of 2012, the City of Rowlett embarked on phase 2 of RealizeRowlett 2020, a study intended to “protect the vision” established for several strategic opportunity areas identified in the *RealizeRowlett 2020 Comprehensive Plan*. *RealizeRowlett 2020* identified Center for Commerce and Industry as a continuation of the major employment hub established in Northshore South. Primary uses were envisioned to be class A and B office, flex office, moderate density residential, limited service hotels, and town center commercial, all within a framework of supporting public amenities established within the Muddy Creek Greenbelt.

In the winter of 2014, focus group and public meetings were held with individual property owners and surrounding neighborhood residents to develop additional detail related to the vision for future development in the strategic opportunity area.

## **Vision**

### Site Access / Mobility

Access to this site will be critical to its future ability to achieve the vision expressed in *RealizeRowlett 2020*. While many of the development opportunity sites have direct access to the northbound PG&T Frontage Road, the primary access point would be provided by extending Merritt Road to the east towards muddy creek. This extension would provide access to a two-way spine road that would extend to the north along Muddy Creek and to the south connecting back to Liberty Grove along the west side of Muddy Creek. This connection to Liberty Grove would provide a direct connection between Merritt and Liberty Grove in the interim until the longer term vision of developing the Merritt / Liberty Grove Connector across Muddy Creek is achieved.

Pedestrian and bicycle improvements are envisioned within the new development in this area with clear connections to the Muddy Creek Greenbelt.

### Development Pattern / Density

The sites immediately to the north and south of the Merritt Road / Liberty Grove Connector at the intersection with PG&T are envisioned to support the development of Class A office space with structured parking. This area would have the highest intensity of office development within the sub-area. This development pattern would transition to the north and south with lower intensity development which would include Class B and flex office products and mixed residential products. The areas immediately adjacent to Muddy creek and furthest removed from the Merritt / Liberty Grove and

PGBT intersection would transition towards live/work and townhome building types. Additionally, the area immediately adjacent to the Mariner Cove neighborhood is envisioned to have lower intensity building types positioned in a manner that provides compatibility with the existing single family neighborhood.

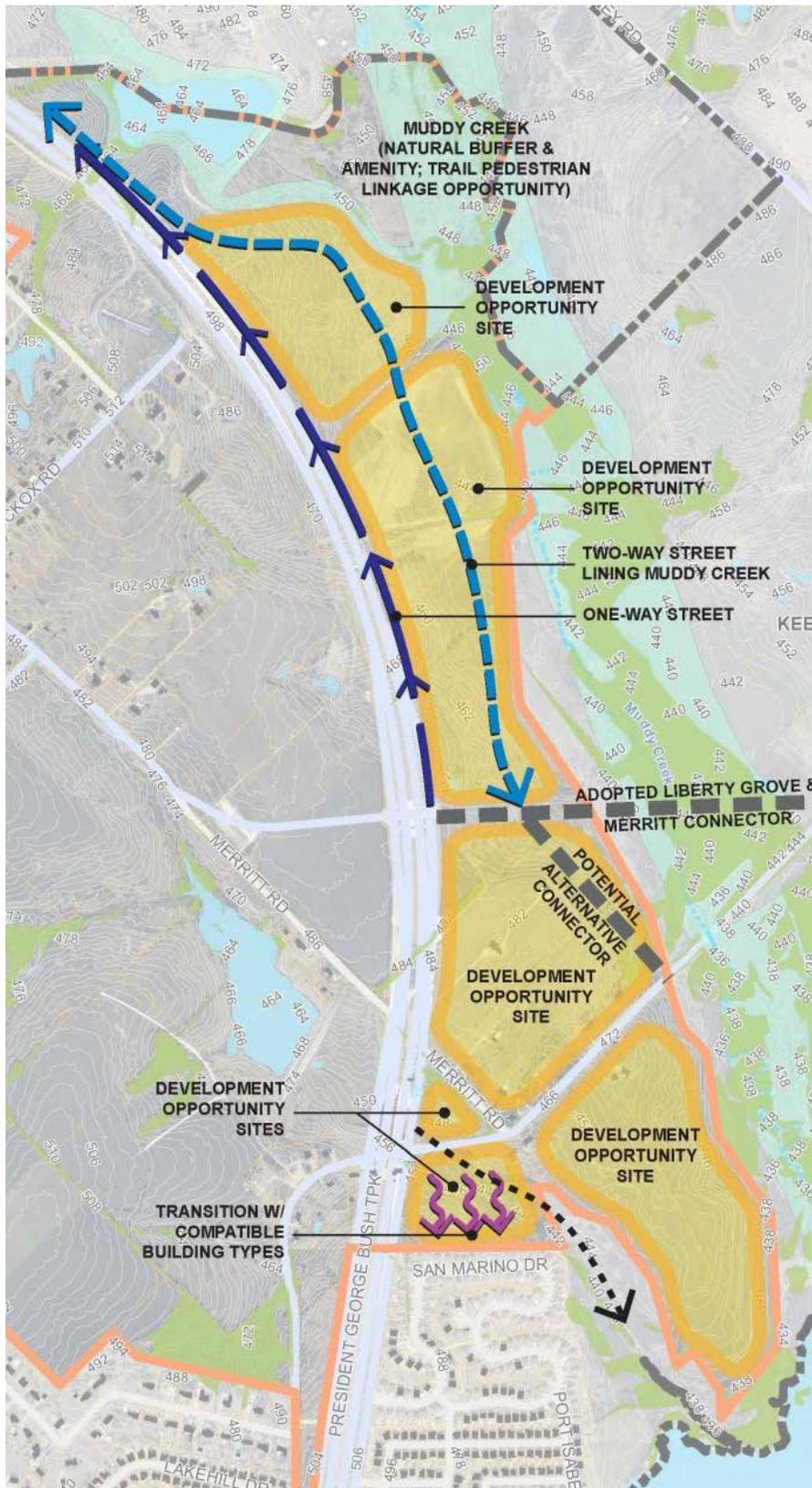
Public and Open Spaces

The Muddy Creek Greenbelt would provide the primary natural amenity for the development sites to the west, and is envisioned to provide for a number of passive and active recreational activities. Streets are envisioned to line this greenbelt, with surrounding development fronting on this major amenity. Within the development sites, a series of Urban Greens and Pocket Greens are envisioned to form centers of the multiple development zones that would make up the overall district. Bicycle and pedestrian connectivity will be a critical component of each development zone, and is envisioned to provide internal connectivity between neighborhoods as well as connectivity to the regional trail system envisioned for the Muddy Creek Greenbelt.

**Attachment:**

1. Center for Commerce and Industry Sub Area Plan
2. Center for Commerce and Industry Illustrative Master Plan

**Center for Commerce and Industry - Sub Area Plan**



**Center for Commerce and Industry - Illustrative Master Plan**



**EXHIBIT D  
The Orchard  
PLANNED DEVELOPMENT STANDARDS**

General Standards

1. For purposes of this Planned Development ordinance, the land included in the attached Exhibit E shall be divided into two zoning districts: (1) SF-5 for “Area 1”, and (2) “Area 2”.
2. The maximum number of homes in Area 1 of The Orchard shall be 144.
3. A minimum of 8% of the land within Area 1 of The Orchard shall be open space. The open space, as generally shown on Exhibit E, shall be recognized as meeting all of the City of Rowlett’s acreage requirements for public and/or private open space for Area 1 of The Orchard.
4. All open space and common area in Area 1 shall be owned and maintained by the Homeowners Association for Area 1.
5. Any uses allowed in the Multi-Family Attached Residential Suburban (MF-S), Multi-Family Attached Residential Townhouse (MF-TH), Limited Commercial/Retail District (C-1), General Commercial/Retail District (C-2), Limited Office (O-1), and General Office District (O-2) zoning districts shall be permitted in Area 2.
6. There will be two entry roads from Liberty Grove Rd. that shall have a right of way width of 50 feet with 30 feet wide pavement as outlined in the City of Rowlett’s Standard Construction details as a “Typical Residential Streets”.

Area 1 Dimensional Standards

Development in Area 1 shall take place in accordance with the SF-5 Single Family Residential District as outlined in the City of Rowlett Development Code as it currently exists, except as indicated below.

1. The minimum lot area on Type “A” (non-Mews) lots shall be 6,000 square feet.
2. The minimum lot area on Type “B” (Mews) lots shall be 5,500 square feet.
3. The minimum lot width shall be 50’. On cul-de-sacs and/or elbows, the minimum lot width at the building line shall be 40’ cord length for all lots fronting curve. The minimum street frontage for all lots shall be 35’.
4. The minimum lot depth for Type “A” (non-Mews) lots shall be 120’. On cul-de-sacs and/or elbows, the minimum lot depth shall be 105’.
5. The minimum lot depth for Type “B” (Mews) lots shall be 110’.
6. The minimum side yard shall be 5’. The minimum side yard on a corner lot adjacent to a street shall be 10’. The minimum side yard for a Key lot shall be 10’.
7. The minimum rear yard shall be 20’.
8. The maximum lot coverage shall be 75%.
9. The minimum dwelling area shall be 1,600 square feet.

10. The maximum height shall be 2.5 stories or 35' for the main building.

Setback Type	Type "A" Min. Distance in Feet	Type "B" Min. Distance in Feet
Front Setback	20'	10'
Rear Setback	20'	20'
Sideyard Setback	5'	5'
Sideyard Setback Adjacent to Street	20'	10'
Sideyard Setback for Key Lot	10'	10'
Garage Setback	20'	N/A

Area 2 Dimensional Standards

Residential uses permitted in Area 2 shall follow the setback and building height requirements for Multi-Family Suburban (MF-S), and Multi-Family Attached Residential Townhouse (MF-TH) as outlined in the City of Rowlett's Development Code, Chapter 77-400.

Non-Residential uses in Area 2 shall follow the setback and building height requirements for Limited Commercial/Retail District (C-1), General Commercial/Retail District (C-2), Limited Office District (O-1), and General Office District (O-2) as outlined in the City of Rowlett's Development Code, Chapter 77-400.

Area 1 Neighborhood Standards

1. Neighborhood buffer yards, entryway treatments, and landscaping shall be designed, developed, and maintained in accordance with the standards established in the Rowlett Development Code with the following exceptions.
  - A masonry entry statement wall shall be placed at the entrance from Liberty Grove and shall be approximately six feet in height and a minimum of ten feet wide. A masonry wall along Liberty Grove Road will not be required. Landscape medians at the entry ways shall also be provided.
  - Zero-scaped lots will be allowed along the sideyards of lots.
2. Unless otherwise shown on Exhibit E, streets within Area 1 of The Orchard shall be designated as “Typical Residential Streets” and have a right-of-way width of 50’ and a pavement width of 30’, as referenced in the City of Rowlett’s Standard Construction Details. Mews alleys with 12’ wide paving shall be allowed and located in Area 1 as depicted in Exhibit E.
3. Trees planted in open space areas shall count towards tree mitigation.

Area 1 Architectural Standards

1. All homes within Area 1 of The Orchard shall comply with the Residential Building Standards established in the Rowlett Development Code with the following exception: if a gable roof extends over an unenclosed porch, the gable face may be constructed of hardy-plank or similar cementaceous material.
2. A hip roof which faces the street and which comprises greater than 35% of the total width of a house’s façade shall be broken up with dormers or other architecturally compatible appurtenances.
3. Minimum of 8:12 front elevation roof pitch, except 4:12 roof pitches on porches. Dimensional shingles shall be used.
4. A minimum 4’ wide, dedicated walk separate from a driveway, shall provide a connection between the house and the city sidewalk.

Area 2 Building Standards

1. Non-Residential uses within Area 2 shall follow the building standards for commercial and institutional buildings in section 77-507 of the Rowlett Development Code. This shall apply where any portion of a building is located within Area 2.
2. Residential uses within Area 2 shall follow the building standards for residential developments in section 77-508 of the Rowlett Development Code.
3. All properties in Area 2 shall meet the minimum setback requirements and minimum building heights as referenced in the Rowlett Development Code for commercial and institutional buildings.

Area 2 Landscaping and Screening

1. All properties within Area 2 shall follow the landscaping and screening standards in Section 77-504 of the Rowlett Development Code.

Area 2 Parking

1. All properties within Area 2 shall follow the parking standards in Section 77-506 of the Rowlett Development Code.





## City of Rowlett

### Staff Report

Planning & Zoning Commission

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 11/8/2016

**AGENDA ITEM:** C3

**AGENDA LOCATION:**

Consent Agenda

**TITLE**

Consider and take action on a Preliminary Replat for the Heritage Church Addition located at 7900 Miller Road further described as being 4.422 +/- acres in the Charles Merrill Survey, Abstract No. 957, City of Rowlett, Dallas County, Texas.

**STAFF REPRESENTATIVE**

Katy Goodrich, MPA, Planner I

**SUMMARY**

The Preliminary Replat is one of the first steps in the development process and provides an overview of the utility and lot layout for the site in its entirety. This Preliminary Replat involves creating seventeen lots (Attachment 1 – Preliminary Replat) for a single family residential development, which will be called Heritage Estates)

**BACKGROUND INFORMATION**

The subject property consists of 4.422 +/- acres and is located south of Miller Road and east of Chiesa Road (Attachment 2 – Location Map). The subject property is zoned Single Family 8 (SF-8), which allows single family residential development with a minimum lot size of 8,000 square feet. The Preliminary Replat is the first step in the development process. Subsequently, the applicant will be required to obtain approval of the development plans (landscape plan), civil engineering plans, a final plat, and building plans prior to receiving a building permit. The final plat will also be brought before the Planning and Zoning Commission.

**DISCUSSION**

This preliminary plat lays out a subdivision for 17 single family homes. This plat proposes a new street that will run east of and parallel to the existing Auburn Drive. This plat also shows that there will be approximately 0.25 acres of common space that will be maintained by the HOA. The applicant is also requesting a waiver from the alley requirement through this preliminary plat behind lots 11 through 17. There is an existing alley adjacent to the west south boundaries of the subject property. The subject property is not wide enough to build and dedicate an alley along the east side of the subject property while meeting the minimum lot depth requirements. Per Section 77-603.D.1 of the Rowlett Development Code (RDC) states that "Alleys shall be provided in all new residential developments and replatting of existing subdivisions unless otherwise excepted by the Planning and Zoning Commission." The Planning and Zoning Commission has the discretion to approve or to deny a Preliminary Plat without an alley. The RDC does not provide

criteria on which the Planning and Zoning Commission is to evaluate a request for an alley waiver other than the following criteria for approving plats.

Section 77-806.C.2(d)(1) of the Rowlett Development Code (RDC) states,

“Approval of a preliminary plat shall be deemed an expression of approval of the layouts submitted on the preliminary plat as a guide for the future installation of streets, water, sewer, and other required improvements and utilities and as a guide to the preparation of the final plat. Except as provided for in this section, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted as provided in this section have been met.”

It is important to note that Section 77-806.C.2(d)(2) of the RDC additionally states,

“No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat by the planning and zoning commission and the construction plans by the director of public works and/or director of utilities. The subdivider, at its sole and exclusive risk, may undertake certain ground excavations for grading and drainage purposes, install underground utilities, and install drainage, if the proper permits and approvals for such works are issued by the director of public works.”

Section 77-806.C.6 of the RDC further states,

“The Planning and Zoning Commission may approve a preliminary or final plat only if it finds that the plat:

- (a) Conforms to Chapter 77-600, Subdivision and land development, and any regulations adopted pursuant to that chapter;
- (b) Promotes the public health, safety and welfare;
- (c) Provides for the proper arrangement of streets in relation to existing or proposed streets;
- (d) Provides for the efficient movement of vehicular and pedestrian traffic;
- (e) Ensures adequate and properly placed utilities;
- (f) Provides access for firefighting apparatus as determined by the fire marshal;
- (g) Provides light and air and avoids congestion;
- (h) Facilitates the orderly and efficient layout and use of the land; and
- (i) Furthers the goals and policies of the comprehensive plan and the city council.”

It is Staff’s opinion that the request to waive the alley requirement is appropriate in this situation. The subject property is not wide enough to build and dedicate an alley along the east side of the subject property while meeting the minimum lot depth requirements. The proposed lots are wide enough to provide front entry homes with J-swing or L-swing entries. The proposed plat without an alley on the east side meets the above criteria. City Staff from the Planning and Engineering Divisions as well as the Fire Marshal’s Office have reviewed the Preliminary Replat for compliance with the Rowlett Development Code. Based on the fact that this request meets the requirements set forth in the Rowlett Development Code, Staff recommends approval of this request.

## **FISCAL IMPACT/BUDGET IMPLICATIONS**

N/A

**RECOMMENDED ACTION**

Staff recommends approval.

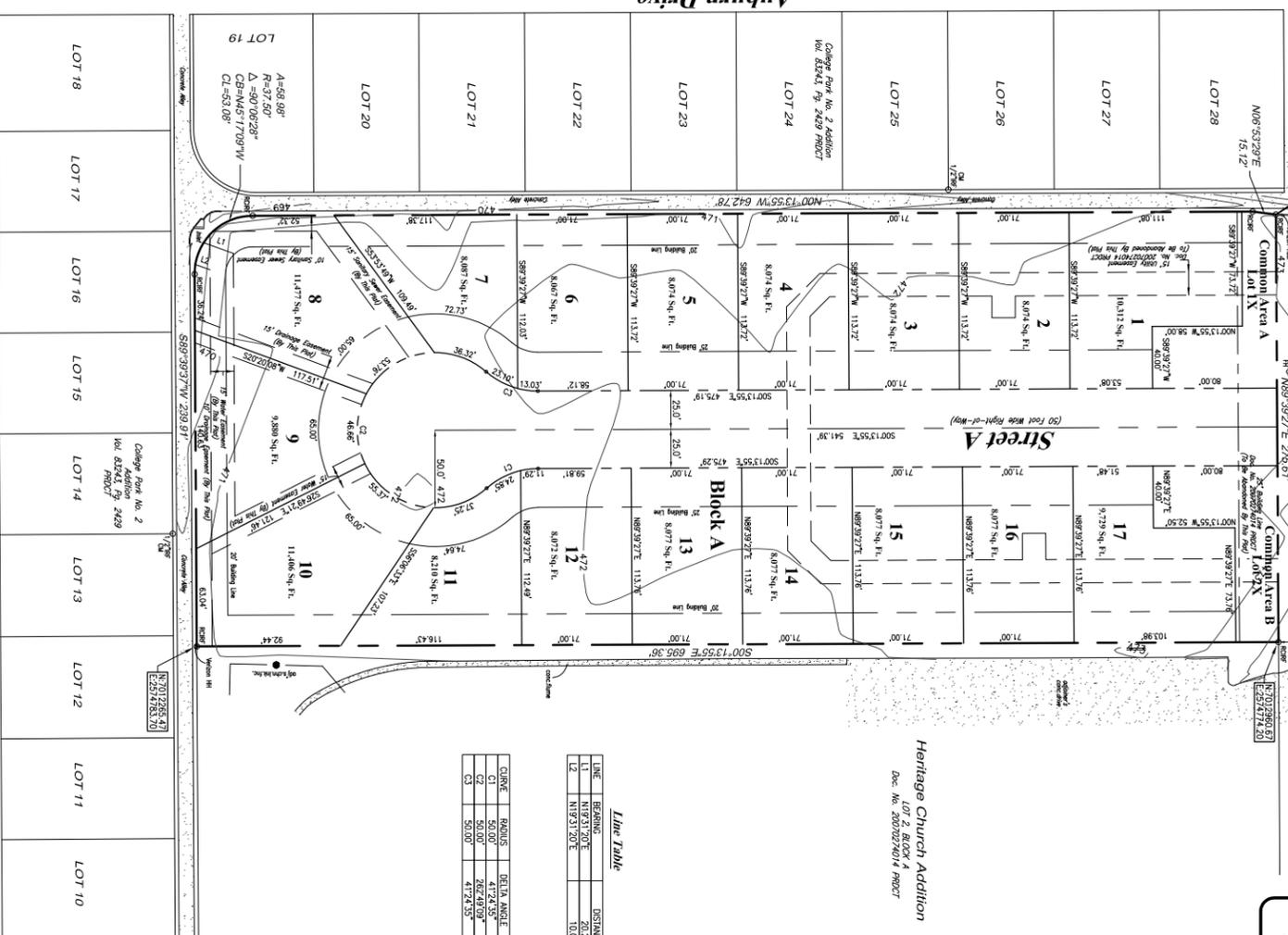
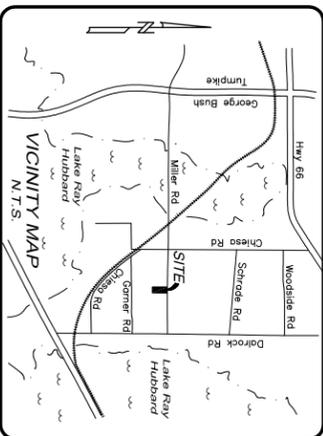
**ATTACHMENTS**

Attachment 1 – Proposed Preliminary Replat

Attachment 2 – Location Map

LOT 29, BLOCK R  
The Peninsula No. 6  
Vol. 86098, Pg. 1749 PROCT

Miller Road  
(Variable Width Right-of-Way)

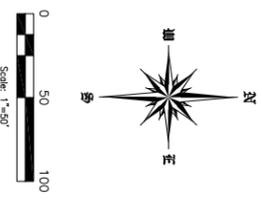


**Line Table**

LINE	BEARING	DISTANCE
L1	N19°31'20"E	20.28'
L2	N19°31'20"E	10.08'

**Curve Table**

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	50.00'	262°49'29"	4.29'±	S89°42'05"W	75.00'
C2	50.00'	41°24'35"	35.14'	N27°29'22"E	55.58'



**Legend**

- ROOF: Roofs Copied from Road Found
- WALL: Walls Copied from Road Found
- POCKET: Pockets Copied from Road Found
- IRF: Iron Road Found
- CM: Controlling Measurement

OWNER'S CERTIFICATE

STATE OF TEXAS §  
COUNTY OF DALLAS §

WHEREAS **Omar Padilla** is the owner of a tract of land situated in the State of Texas, County of Dallas, and City of Rowlett, being part of the Charles Merrill Survey, Abstract No. 957, and being all of a tract of land as recorded under Document No. 2014002939812 of the Deed Records of Dallas County, Texas, being all of Lot 1, Block A of Heritage Church Addition, an addition to the City of Rowlett, Dallas County, Texas, according to the plat thereof recorded in Document No. 20070274014 of the Plat Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod capped "Roome" found for corner marking the intersection of an alley right-of-way (variable width) and the south right-of-way line of Miller Road (Variable Width Right-of-Way) and the northwest corner of said Lot 1;

THENCE with said south right-of-way line and the north line of said Lot 1, North 89°39'27" East, 275.61 feet to a 1/2 inch iron rod capped "Roome" found for corner marking the northwest corner of Lot 2, Block A of said Heritage Church Addition and the northeast corner of said Lot 1;

THENCE with the west line of said Lot 2 and the east line of said Lot 1, South 00°13'55" East, 695.36 feet to a 1/2 inch iron rod capped "Roome" found for corner in the north right-of-way line of a 15 foot alley and marking the southwest corner of said Lot 2 and the southeast corner of said Lot 1;

THENCE with said north right-of-way line and the south line of said Lot 1, South 89°39'37" West, 239.91 feet to a 1/2 inch iron rod capped "Roome" found for corner marking the beginning of a curve lot he right;

THENCE northwesterly with said alley right-of-way, the southwest line of said Lot 1 and with said curve to the right having a radius of 37.50 feet, a central angle of 90°06'28", an arc distance of 58.98 feet and a chord bearing and distance of North 45°17'09" West, 53.08 feet to a 1/2 inch iron rod capped "Roome" found for corner in the east right-of-way line of a 15 foot alley;

THENCE with said east right-of-way line and the west line of said Lot 1 as follows:

North 00°13'55" West, 642.78 feet to a 1/2 inch iron rod capped "Roome" found for corner in the north right-of-way line of a 15 foot alley and marking the southwest corner of said Lot 2 and the southeast corner of said Lot 1, and

North 06°53'29" East, 151.12 feet to the Point of Beginning and containing 192,630 square feet or 4,422 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, **Omar Padilla**, Owner, do hereby bind myself and my heirs, assigns and successors of title this plat, designating the hereinabove described property as **Replat of Heritage Estates Addition Lots 1-17, Block A**, on addition to the City of Rowlett, and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown hereon, and do hereby reserve the easement strips shown on this plat to use or assist some day public utility strip from the right to poles and lines run well all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity of any time of procuring the permission of anyone, this plat approved subject to all paiting ordinances, rules, regulations and resolutions of the City of Rowlett, Texas.

Witness our hands at Dallas County, Texas, this \_\_\_\_ day of \_\_\_\_\_, 2016.

**Omar Padilla**

STATE OF TEXAS §  
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared **Omar Padilla**, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2016.

Notary Public in and for  
the State of Texas

NOTES

- 1) Source bearing is based on the plat of Heritage Church Addition as recorded in Document No. 20070274014 of the Plat Records of Dallas County, Texas.
- 2) No part of subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Flood Insurance Rate Map Number 481130245 K of FEMA, Flood Insurance Rate Maps for Dallas County, Texas and incorporated Areas dated July 7, 2014 (Zone X).
- 3) This plat has been completed without the benefit of a title commitment. Subject property is affected by any or all easements of record. Surveyor did not destruct or research records for easements.
- 4) This property is zoned Single Family Dwelling SF-8.
- 5) Coordinates shown are State Plane Coordinates NAD 83 USA, Texas, North Central Zone and were established using City of Rowlett Monuments C-3 and A-5.
- 6) The purpose of this replat is to create 17 residential lots.
- 7) All lots will be front entry and will not have alley access.

SURVEYOR'S CERTIFICATE

STATE OF TEXAS §  
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

That I, **Michael Guzzo**, do hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Plating Rules and Regulations of the City of Rowlett, Planning and Zoning Commission.

**Michael Guzzo**  
R.P.L.S. No. 5693

STATE OF TEXAS §  
COUNTY OF COLLIN §

ACKNOWLEDGEMENT

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared **Michael Guzzo**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2016.

Notary Public in and for  
the State of Texas

"Preliminary Plat - For Inspection Purposes Only."  
"Approved for Preparation of Final Plat"

Chairman, City of Rowlett  
Planning and Zoning Commission

Director of Development Services

**Preliminary Replat of**  
**Heritage Estates Addition**  
**Lots 1-17, Block A**  
*Being a replat of Lot 1, Block A, Heritage Church Addition*  
**Charles Merrill Survey, Abstract No. 957**  
**City of Rowlett, Dallas County, Texas**  
**September 27, 2016**

Revised - 11-03-2016

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**Roome**  
Land Surveying  
2000 Avenue G, Suite 810  
Rowlett, Texas 75087  
Phone (972) 423-7502  
Fax (972) 423-4372  
Alt#: Michael Guzzo  
www.roomesurveying.com / Firm No. 10013100





## City of Rowlett

### Staff Report

Planning & Zoning Commission

4000 Main Street  
P.O. Box 99  
Rowlett, TX 75030-0099  
www.rowlett.com

**AGENDA DATE:** 11/08/2016

**AGENDA ITEM:** C4

#### **AGENDA LOCATION:**

**Individual Consideration**

#### **TITLE**

Consider and make a recommendation regarding a revised tree mitigation plan and related tree removal permit application for Manors on Miller. The subject property is located North of Miller road and West of Dorchester further described as 8.437 +/- acres of land located in the S.A. & M.G. RR Survey, Abstract No.1407, City of Rowlett, Dallas County, Texas.

#### **STAFF REPRESENTATIVE**

Patricia Gottilly-Roberts, Senior Planner

#### **SUMMARY**

This is a request to revise a tree mitigation plan for Manors on Miller that was previously approved by City Council on August 2, 2016 (Attachment 2 – Previously Approved Tree Mitigation Plan). The purpose of the revised plan is to remove an additional tree that was going to be saved (Attachment 3 – Revised Tree Mitigation Plan). The revision requires a recommendation from the Planning and Zoning Commission and final approval from the City Council.

#### **BACKGROUND INFORMATION**

The subject property consists of 8.437 acres and is located north of Miller road and west of Dorchester Drive (Attachment 1- Location Map). The subject property was rezoned from Single Family 40 (SF-40) to Planned Development 023-16 on June 7, 2016, to allow a 39-lot single family subdivision with a minimum lot size of 5,750 square feet. Following the rezoning, the Planning and Zoning Commission approved the Preliminary Plat on July 12, 2016, and the City Council approved the Tree Mitigation Plan on August 2, 2016. The applicant obtained their administrative approvals for civil engineering plans on October 4, 2016, and began construction shortly thereafter. The previously approved mitigation plan allowed for the removal of 20 protected trees totaling in 254.3 caliper inches while preserving 17 protected trees totaling in 296.1 caliper inches in tree mitigation credit; this surplus resulted in no additional mitigation required. The applicant is presently requesting to remove one additional protected pecan tree that is 9.8 caliper inches. The previous total caliper of protected trees was 254.3 caliper inches. This request is to remove a pecan tree that is 9.8 caliper inches, and would increase the totals to 264.1 caliper inches of protected trees removed.

Section 77-504.H of the Rowlett Code of Ordinances states the purpose of tree preservation and lists the criteria for approval of a tree removal. The following section lists the criteria for a tree removal permit followed by Staff's recommendation.

#### **DISCUSSION**

Per Section 77-504. H of the Rowlett Development Code, "Tree preservation". The purpose of tree preservation is as follows:

1. Purpose. The purpose of this section is to encourage the preservation of long-established trees of sizes that, once removed, can be replaced only after many generations of tree growth; to preserve protected trees during construction; and to control the removal of protected trees. It is the intent of this section to achieve the following:
  - (a) Prohibit the indiscriminate clearing of trees from property;
  - (b) To the greatest extent possible, preserve and maintain protected trees so as to enhance the quality of development;
  - (c) Protect and increase the value of residential and commercial properties within the city by maintaining the city's current tree inventory;
  - (d) Maintain and enhance a positive image for the attraction of new business enterprises to the city;
  - (e) Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the city; and
  - (f) Help provide needed shaded areas in order to provide relief from the heat by reducing the ambient temperature.

The City Council shall deny a tree removal permit and associated tree survey and preservation plan if it is determined that:

1. Removal of the tree is not reasonably required in order to conduct anticipated activities;
2. A reasonable accommodation can be made to preserve the tree; or
3. The purpose and intent of this subchapter is not being met by the applicant.

The proposed tree removal is needed in order to conduct installation of utility lines and entry streets on the site and no reasonable accommodation could be made. To deny the removal will require the developer to substantially re-configure their proposed development. The applicant has identified 17 protected trees totaling in 296.1 caliper inches for tree replacement credits to offset the 254.3 inches previously removed. This request would increase the total protected tree total by 9.8 inches. Staff is in support of the subject tree removal and mitigation plan.

#### **FISCAL IMPACT**

N/A

#### **RECOMMENDED ACTION**

Staff recommends approval of a revised tree mitigation plan and related tree removal permit application for Manors on Miller.

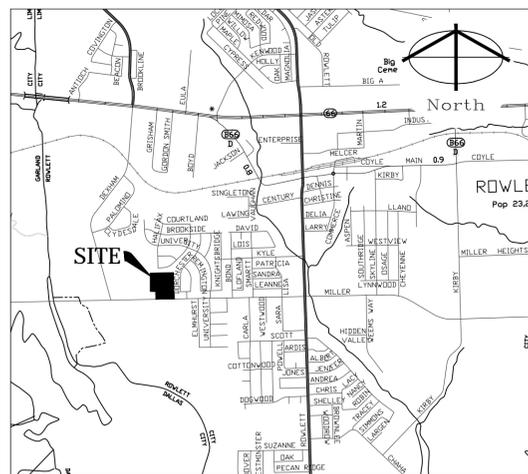
#### **ATTACHMENTS**

Attachment 1 – Location Map

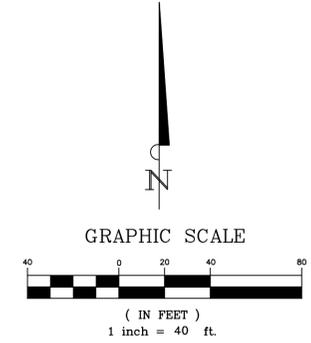
Attachment 2 – Previously Approved Tree Survey and Preservation Plan

Attachment 3 – Revised Tree Survey and Preservation Plan





VICINITY MAP  
N.T.S.



**SPECIAL NOTES:**

- HOME BUILDER IS RESPONSIBLE FOR PLANTING (2) CANOPY TREES PER LOT AT TIME OF COMPLETION OF HOME BUILDING PER CITY OF ROWLETT LANDSCAPE ORDINANCE.
- CANOPY TREES SHALL BE PLANTED IN CENTRAL COMMON SPACE AREA PER EXHIBIT 'D' OF THE MANORS ON MILLER PLANNED DEVELOPMENT STANDARDS, AS SHOWN ON PLAN.

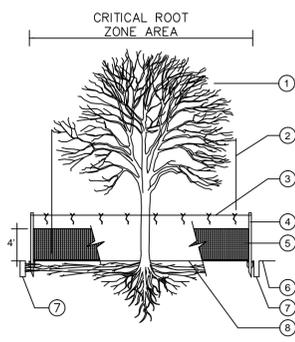
**LEGEND:**

- (+) Existing Tree (Remain)
- (X) Existing Tree (Remove)

TOTAL CALIPER INCHES EXISTING:	550.4
TOTAL CALIPER INCHES TO BE REMOVED:	254.3
TOTAL CALIPER INCHES TO REMAIN:	296.1
TOTAL CALIPER INCHES FOR MITIGATION:	0.0
TOTAL CALIPER INCHES MITIGATED:	0

**NOTES:**

- PERFORM ROOT PRUNING ON ALL EXISTING TREES TO REMAIN WHERE CONSTRUCTION ACTIVITY FALLS WITHIN DRIP LINE OF EXISTING TREES.
- ROOT PRUNING METHOD: 2 MONTHS MIN. PRIOR TO EXCAVATION & CONSTRUCTION ACTIVITIES, HAND CUT ROOTS BY DIGGING A 18"-24" DEEP x 8" WIDE TRENCH ALONG THE OUTSIDE PERIMETER OF EXISTING TREE(S) ADJACENT TO CONSTRUCTION AREAS. MAXIMIZE PRUNING TRENCH DISTANCE FROM TRUNK TO THE FULLEST EXTENT POSSIBLE, W/ THE ROOT PRUNING LINE PLACED @ THE EDGE OF CONSTRUCTION LIMITS.



- EXISTING TREE(S) TO REMAIN.
- DRIPLINE OF EXISTING TREE (TYP)
- CONTINUOUS NYLON TIE STRING TIED TO STAKE TOPS W/ 2" TUNDRA WEIGHT ORANGE STREAMERS @ 3' O.C.
- 8" METAL T-STAKES: 8" O.C. MIN., DRIVEN 2" INTO GROUND AT (OR OUTSIDE) TREE DRIFLINE
- 4' MIN. HEIGHT ORANGE PLASTIC FENCING INSTALLED PER MANF. RECOMMENDATIONS (TYP). SUPPLEMENT W/ SILT FENCE FABRIC @ PRUNING TRENCH AS REQ'D.
- EXISTING GRADE TO BE DISTURBED.
- ROOT PRUNING TRENCH 12" OUTSIDE FENCE - SEE NOTES.
- EXISTING GRADE TO REMAIN.

TREE #	CALIPER	TYPE	REMAIN	REMOVE	CONDITION
1	8.0	Pecan		X	Good
2	8.8	Pecan		X	Good
3	8	Pecan		X	Good
4	8	Pecan		X	Good
5	9.2	Eastern Red Cedar	X		Good
6	13.8	Eastern Red Cedar	X		Good
7	17.6	Eastern Red Cedar	X		Good
8	9.8	Green Ash	X		Good
9	13.0	Eastern Red Cedar		X	Good
10	11	Eastern Red Cedar		X	Good
11	9.8	Eastern Red Cedar		X	Good
12	12.4	Eastern Red Cedar		X	Good
13	8.8	Eastern Red Cedar		X	Good
14	18.7	Eastern Red Cedar		X	Good
15	15.1	Eastern Red Cedar		X	Good
16	8.9	Eastern Red Cedar		X	Good
17	8.4	Eastern Red Cedar		X	Good
18	10.5	American Elm	X		Good
19	9.0	Eastern Red Cedar		X	Good
20	8.0	American Elm		X	Good
21	14	Eastern Red Cedar		X	Good
22	9.7	Pecan		X	Good
23	17	Pecan		X	Good
24	12	Pecan	X		Good
25	10.7	Pecan	X		Good
26	11.2	Pecan	X		Good
27	22.2	Pecan	X		Good
28	24.6	Cedar Elm	X		Good
29	29.7	Pecan	X		Good
30	28.8	Pecan	X		Good
31	31.5	Pecan	X		Good
32	34.0	Pecan	X		Good
33	47.2	Pecan		X	Good
34	10.2	Pecan	X		Good
35	9	Pecan	X		Good
36	9.8	Pecan	X		Good
37	12	Southern Catalpa	X		Good
<b>TOTAL</b>	<b>550.4</b>		<b>296.1</b>	<b>254.3</b>	

**ENGINEER/SURVEYOR:**  
BANNISTER ENGINEERING, LLC  
1696 COUNTRY CLUB DR.,  
MANSFIELD, TX 76063  
(817) 842-2094  
CONTACT: TRAVIS ATTANASIO

**OWNER:**  
LF Estate Ltd.  
8214 Westchester, Ste 710  
Dallas, Texas 75225  
(217)522-4945

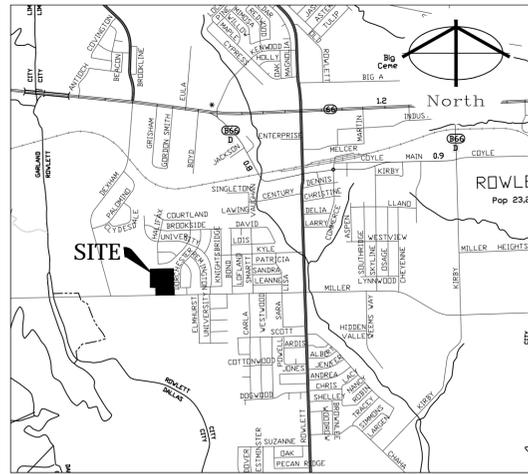
**APPLICANT:**  
LF Estate Ltd.  
8214 Westchester, Ste 710  
Dallas, Texas 75225  
(217)522-4945  
CONTACT: John Arnold

INFORMATION ON THIS SHEET IS PERTINENT TO ALL OTHER DESIGN SHEETS IN THIS SET OF DRAWINGS. THE CONTRACTOR SHALL NOT SEPARATE DRAWINGS FROM THE SET FOR DISTRIBUTION TO SPECIFIC DISCIPLINES. EACH SUBCONTRACTOR SHALL BE PROVIDED WITH ALL SHEETS WITHIN THIS PLAN SET.

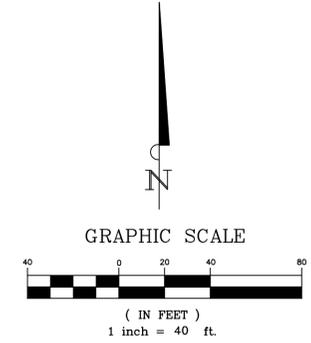
No.	Date	Revision	Description



07-18-2016

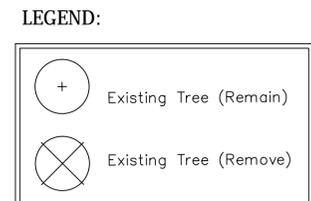


VICINITY MAP  
N.T.S.



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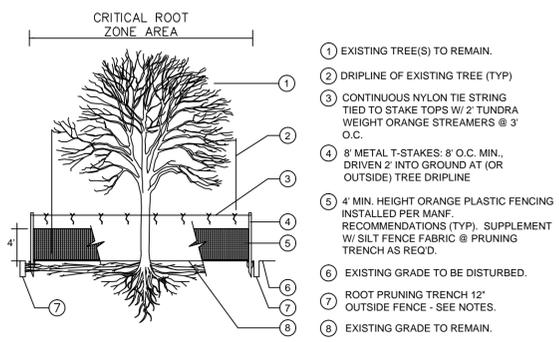


TOTAL CALIPER INCHES EXISTING:	549.3
TOTAL CALIPER INCHES TO BE REMOVED:	263.5
TOTAL CALIPER INCHES TO REMAIN:	285.8
TOTAL CALIPER INCHES FOR MITIGATION:	0.0
TOTAL CALIPER INCHES MITIGATED:	0

TREE #	CALIPER	TYPE	REMAIN	REMOVE	CONDITION
1	8.0	Pecan		X	Good
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23	17	Pecan		X	Good
24	12	Pecan	X		Good
25	10.7	Pecan	X		Good
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31	31.5	Pecan	X		Good
32	34.0	Pecan	X		Good
33	17.2	Pecan		X	Good
34	10.2	Pecan	X		Good
35	9	Pecan	X		Good
36	9.8	Pecan (Request to Remove)		X	Good
37	12	Southern Catalpa	X		Good
<b>TOTAL</b>	<b>549.3</b>		<b>285.8</b>	<b>263.5</b>	

**NOTES:**

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**A TREE PROTECTION DETAIL**  
NOT TO SCALE

Kenneth & Patricia Clark  
Called 0.60 Acre  
Doc.# 201500243919, DRDCT

**ENGINEER/SURVEYOR:**  
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**BANNISTER ENGINEERING**  
240 N. Mitchell Road | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax  
REGISTRATION # F-10599 (TEXAS)

**MANORS ON MILLER**  
2100 Miller Road  
Rowlett, Texas

**TREE PRESERVATION PLAN**

No.	Date	Revision Description
1	10.27.16	Request to Remove Tree #36.



08-26-2016

SHEET NO.  
**L-1.1**